



**203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-28629-2024

Date of Decision: 09.08.2024

Lovely

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

1. The present 1st petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.22 dated 08.04.2024 under Sections 21/27A/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Qadian, Police District Batala, District Gurdaspur.

2. Status report dated 08.08.2024 by way of affidavit of Mr. Rajesh Kakkar, PPS, Deputy Superintendent of Police, Sub-Division Sri Hargobindpur, Police District Batala has been filed on behalf of the respondent-State, which is taken on record. Copy has been supplied to the counsel for the petitioner.

3. Learned counsel for the petitioner *inter alia* submits that petitioner is a lady and is in custody since 08.04.2024. The alleged recovery of 10 grams heroin from the petitioner falls within the non-commercial quantity. As regards recovery of cash of Rs.12,300/- is concerned, the same cannot be termed as

drug money as such this money is ordinarily available in every household. He further submits that co-accused has already been granted bail by this Court in case CRM-M-26023-2024, vide order dated 27.05.2024 (Annexure P-2) and petitioner has not been declared as proclaimed offender.

4. Notice of motion.

5. Ms. Avneet, AAG, Punjab accepts notice on behalf of the State and files the custody certificate, which is taken on record.

6. I have heard the submission of the learned counsel for the petitioner, learned State counsel and have gone through the paper-book.

7. Keeping in view the fact that recovery from the petitioner is of total 10 grams heroin, which falls in the non-commercial quantity. Co-accused has already been granted concession of regular bail. Since trial of the case would take a long time so, in these circumstances, no useful purpose would be served by keeping the petitioner behind the bars.

8. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on her furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

9. The petitioner shall get her mobile number registered in the trial Court for receiving messages through CIS and shall not change her mobile number during pendency of the case. The petitioner shall also inform her residential address to Court and also to the concerned police station. The petitioner shall not change her residence without informing the Court/concerned police station. In case of default, the learned trial Court is free to cancel the bail granted to the petitioner.

10. However, nothing contained here-in-above shall be construed as

an expression of opinion on the merits of the case. If the petitioner indulges in the commission of any offence while on bail, the State would be at liberty to move an application for cancellation of her bail granted vide this order.

09.08.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No