

2024:PHHC:089894



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

Sr. No. 215

CRM-M-33076-2024

Date of Decision:18.07.2024

Seema Rani

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. Sandeep Verma, Advocate and
Ms. Simi Kandra, Advocate
for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab

DEEPAK GUPTA, J.(ORAL)

By way of present petition filed under Section 439 of the Code of Criminal Procedure, petitioner prays for grant of regular bail in case FIR No. 71 dated 11.06.2023, under Sections 21 (c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred as 'the NDPS Act'), registered at Police Station Sadar Kotkapura, District Faridkot. It is her second petition for this purpose. The earlier petition bearing CRM-M-48085-2023 was dismissed as withdrawn on 01.02.2024.

2. As per allegations, 265 grams heroin was recovered from polythene bag, possessed by the petitioner and her husband Manjit Singh @ Mang on 11.06.2023. After making statutory compliances, the same was taken into possession.

3. Learned counsel contends that the petitioner has been falsely implicated; that the petitioner is in custody more than one year and one month; that not even a single witness has been examined so far; that the petitioner is a woman; and that the trial is likely to take long time to conclude.

4. Notice of motion.

5. Mr. Eklavya Darshi, DAG, Punjab, has appeared in this case in pursuance of the notice of the instant petition having been sent to the respondent-State in advance. He also placed on record the custody certificate of the petitioner, as per which, the petitioner is in custody for the last one year one month and two days.

6. Learned State counsel on instructions received from ASI Balwinder Singh, contends that out of 16 prosecution witnesses cited, not even a single witness has been examined so far. However, the bail petition has been opposed on the ground that the contraband recovered from the present petitioner falls in commercial category.

7. A perusal of the custody certificate reveals that the petitioners is in custody for the last more 01 year 01 month and 02 days.

8. Considering all the aforesaid facts and circumstances of the case, but without commenting anything on the merits of the case, as well as the fact that the alleged recovered contraband from the possession of the petitioner is marginally higher than the commercial category, which starts from 250 grams, the petitioner is admitted to bail. The petitioner, who is a woman, is ordered to be released on bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty

Magistrate concerned, on usual terms and conditions.

9. Allowed.

(DEEPAK GUPTA)
JUDGE

18.07.2024
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No