

2024:PHHC:117011



205.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33179-2024
Date of decision: 06.09.2024

Charn Kaur Petitioner

Versus

State of Punjab Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Sumeet Puri, Advocate, for the petitioner
(through Video Conferencing).

Mr. Rajinder Singh Bhatta, DAG, Punjab.

GURBIR SINGH, J.

1. This petition has been filed under Section 439 of Cr.P.C for grant of regular bail to the petitioner in case FIR No.12, dated 10.03.2024, registered under Section 22 of NDPS Act, 1985 at Police Station Tallewal, District Barnala.
2. As per prosecution, recovery of 750 intoxicant tablets (350 intoxicant tablets of Tramowell-100 and 400 intoxicant tablets of Trekem-100) containing the salt of Tramadol Hydrochloride was effected from the possession of petitioner and co-accused.
3. Learned counsel for the petitioner argues that petitioner has been falsely implicated in the present case. Even otherwise, the alleged recovery falls under non-commercial category. The petitioner is in custody

since 11.03.2024. Challan has been presented and charges have been framed. He is not involved in any other case. Conclusion of trial will take long time.

4. Pursuant to order dated 18.07.2024, status report by way of an affidavit dated 05.09.2024 of Shubeg Singh, PPS, Deputy Superintendent of Police, Sub-Division, Mehal Kalan, District Barnala, on behalf of respondent-State, has been filed in Court today, which is taken on record. It is submitted that on the basis of disclosure statement of petitioner and her co-accused Babbu Kaur, another co-accused Ekam Singh @ Sebi has been nominated and offence under Section 29 of NDPS Act has been added. Learned State counsel has opposed the bail to the petitioner by contending that she is found to have been involved in drug trafficking, which is a social menace and these persons are destroying the lives of youth of the State of Punjab. However, he does not dispute the fact that the petitioner is in custody since 11.03.2024 and fairly submits that petitioner is not found to have been involved in any other case.

4.1 On asking, learned State counsel submits that the weight of recovered quantity is 176 grams of Tramadol Hydrochloride which comes under non-commercial category.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. Considering the fact that the petitioner is in custody since 11.03.2024; recovery is of intermediate quantity; culpability of the

petitioner would be determined during trial; completion of trial will take some time, this Court deems it appropriate to release the petitioner on regular bail.

7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of concerned learned trial Court/Chief Judicial Magistrate/Duty Magistrate, with the further condition that she shall get her mobile number registered in the trial Court for receiving messages on CIS system and shall not change her mobile number during the pendency of the case. She shall also furnish her residential address to the trial Court as well as to the concerned police station and shall not change her residence without intimation to the concerned court. The court concerned may impose any other condition as it deems fit. In case of default, the trial Court is free to cancel the bail granted to the petitioner.

8. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case on the basis of material available before it.

(GURBIR SINGH)
JUDGE

September 06, 2024
sanjeev

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