

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-47942-2023
Date of Decision.:15.01.2024

Pooja
Vs.
State of Punjab

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Tarun Sharma, Advocate
for the petitioner.

Mr. Karunesh Kaushal, AAG, Punjab
assisted by ASI Balwinder Singh.

DEEPAK GUPTA, J. (ORAL)

The petitioner is seeking regular bail by way of petition filed under Section 439 Cr.P.C in case FIR No.0071 dated 15.07.2022 registered under Sections 21, 22 of NDPS Act, 1985 registered at Police Station City Zira, District Ferozepur.

2. As per prosecution allegations, on 15.07.2022 petitioner Pooja along with her husband Vijay Kumar were standing, near Court complex Zira, when at the sight of the police party, Vijay Kumar handed over a polythene to the petitioner and then petitioner threw the same in the bushes. On search, the polythene was found to contain 670 loose tablets containing salt of Clonazepam, weighing 136.58 grams; besides 25 grams Heroin.

3. It is contended by learned counsel that petitioner has been falsely implicated; that she has no criminal antecedents; that petitioner is in custody for the last more than 01 year 06 months; that trial may take time to conclude and so, she be allowed bail.

4. Learned State counsel has opposed the bail petition by pointing out that recovered quantity of loose tablets containing Clonazepam salt is commercial in nature as the commercial starts from 100 grams and therefore, petitioner does not deserve to be granted bail. Learned State counsel, on instructions from ASI Balwinder Singh also informs that out of 08 witnesses cited by the prosecution 04 have already been examined. However, learned State counsel concedes the fact that petitioner has no criminal antecedents. As per the custody certificate placed on record by learned State counsel, petitioner is in custody for the last 01 year 06 months and 01 day.

5. Heard.

6. Having regard to all the above facts and circumstances, particularly the custody period of the petitioner, the rigors of Section 37 of the NDPS Act is required to be balanced with Article 21 of the Constitution of India guaranteeing Fundamental Right to life and liberty of which speedy trial is a facet.

7. As such, without commenting anything further on the merits of the case, this petition is allowed and petitioner is admitted to bail on her furnishing bail bonds/surety bonds to the satisfaction of the Learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(DEEPAK GUPTA)
JUDGE

January 15, 2024

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No