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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212) CRM-M-50972-2023
Date of Decision: 22.08.2024

Simranjeet Kaur @ SimranPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Karandeep Singh, Advocate, for the petitioner.

Mr. Avneet Kaur, AAG, Punjab.

GURBIR SINGH, J.(ORAL)

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.0017, dated 21.02.2023, under Section 22(c)/27/29 of NDPS Act registered at Police Station Bahawwala, Tehsil abohar, District Fazilka.

2. As per secret information received by the Police that the petitioner along with her husband Lokesh both residents of Dhani Himmat Pura, were dealing in intoxicating tablets in the Chobara of their houses. After sending *ruqa*, police raided the disclosed place. The petitioner and co-accused Lokesh, her husband were apprehended with intoxicants tablets which were lying in the almirah in the Chobara of their house. On counting, the same were 81 strips of Tramadol Hydrochloride in total and there were 10 Tablets in each strip and in total 810 tablets were recovered.

The same were taken into possession.



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3. Learned counsel for the petitioner has submitted that petitioner and her husband Lokesh have been arrested in this case. No recovery is effected from the Chobara of the house. Petitioner is a lady. The recovery of tablets is slightly more than the commercial quantity. The challan has already been presented. Moreover, petitioner is in custody since 21.02.2023 and the trial is likely to take time. Hence, the petitioner be released on bail.

4. Learned State counsel has opposed the petition for granting bail to the petitioner. He further submits that petitioner is in custody since 21.02.2023. Recovery in this case is of commercial quantity. Thus, petitioner is not entitled for grant of bail.

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

6. Considering the fact that petitioner is in custody since 21.02.2023 and the trial is going on at snail's pace and the same is likely to take long time. Recovery in this case is from the almirah lying in the Chobara in the house of the petitioner and petitioner is a wife of co-accused Lokesh. Since it is a question of evidence whether the petitioner is having conscious possession of contraband recovered in this case or petitioner is implicated merely being wife of the co-accused.

7. 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/Duty Magistrate.

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



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the trial court shall decide the case on the basis of material available
before it.

(GURBIR SINGH)
JUDGE

22.08.2024
anil

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