

CRM-M-57360-2023

(292)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-57360-2023
Date of Decision: 29.01.2024

KARAMJIT KAUR @ KARMO

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

This 2nd petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.80 dated 21.02.2023 registered under Sections 21 and 29 of the NDPS Act, 1985 at Police Station City Barnala, District Barnala.

2. The petitioner came to be apprehended with 11 vials of Wincirex totaling 1100 ML along with Rs.10,200/- as drug money.

3. The learned counsel for the petitioner contends that the contraband recovered from the petitioner would weigh approximately 1 Kg 12 gms and therefore, would be marginally above the commercial quantity of 01 kg for codeine. The petitioner has been in custody since 21.02.2023 and none of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case was not likely to be concluded anytime soon. Hence, the petitioner was entitled to the grant of bail.

4. On the other hand, the learned State counsel contends that commercial quantity of contraband has been recovered from the petitioner.

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Therefore, he was not entitled to the concession of bail in view of the bar contained under Section 37 of the NDPS Act. He, however, concedes that the petitioner is a first time offender, in custody since 21.02.2023 and none of the 13 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.

6. In the cases of 'Sukhchain Singh @ Manga Versus State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh versus State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya versus State of Punjab (CRM-M-37645-2021)' decided on 11.11.2022, 'Jang Kanwar Versus State of Punjab (CRM-M-53415-2021)' decided on 19.01.2022, 'Shankar Prashad Chanau Versus The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar Versus State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim Versus State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Gagandeep Versus State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi Versus State of Punjab, CRM-M-41039-2019, decided on 26.02.2020, Dalbara Singh Versus State of Punjab, CRM-M-47880-2022 decided on 16.01.2023', Vivek Watts versus State of Punjab, CRM-M-13791-2022 decided on 15.02.2023 and Manpreet Singh Versus State of Punjab, CRM-M-14039-2014, decided on 10.07.2014 where the recovery from the accused was marginally above the commercial quantity for the respective contraband in each case, the Court granted bail to the accused therein.

7. In the present case, the alleged recovery from the petitioner is of 1 Kg 12 gms of codeine, which is marginally above the commercial quantity

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of 1 kg. In this situation, the provisions of Section 37 of the NDPS Act can be relaxed to an extent and the case of the petitioner can be considered for the grant of bail, moreso, when he is in custody since 21.02.2023 and none of the 13 prosecution witnesses have been examined so far.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Karamjit Kaur @ Karmo wife of Soni Singh is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the Trial and furnish an affidavit each time that she is not involved in any other case other than the present case.

10. In addition, the petitioner (or someone on her behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

29.01.2024

JITESH

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