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

**CRM-M-488-2025 (O&M)
Date of Decision: 15.01.2025**

GELO KAUR @ GOLO**...Petitioner(s)**

Vs.

STATE OF PUNJAB**...Respondent(s)****CORAM : HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present : Ms. Amarinder Kaur, Advocate
for the petitioner.

Mr. Inderjeet Singh Ladher, DAG, Punjab.

KARAMJIT SINGH, J. (Oral)**CRM-301-2025**

For the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-488-2025

Prayer in the present petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.128 dated 03.10.2024 registered for the offences punishable under Sections 21, 29 of NDPS Act at Police Station Barnala, District Barnala.

2. The allegation in nutshell are that police recovered 310 tablets of Alprazolam weighing 44 grams from possession of the co-accused Sunny Singh @ Kala on 03.10.2024, who is son of the present petitioner. During the investigation co-accused Sunny Singh @ Kala suffered disclosure statement and resultantly petitioner was nominated as accused and arrested in this case.

3. Learned counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case on the basis of the alleged disclosure statement suffered by co-accused and the same is inadmissible in evidence. It is further submitted that the aforesaid recovery of 310 Alprazolam weighing 44 grams comes under the “non-commercial quantity” and is not covered under the stringent provisions of Section 37 of the NDPS Act. That the petitioner is incarcerated for the last more than 02 months. On completion of investigation the police has presented challan and aforesaid co-accused Sunny Singh @ Kala is already granted the benefit of regular bail by this Court vide order dated 09.01.2025 having CRM-M-57725-2024. It will take time for the trial to conclude and thus no meaningful purpose is going to be served by keeping the petitioner a lady aged about 50 years in judicial custody for any longer period.

4. Mr. Inderjeet Singh Ladher, DAG, Punjab accepts notice on behalf of State and on instructions from Inspector Sherwinder Singh has not disputed the fact that the present case is relating to the recovery of “non-commercial quantity” and that co-accused Sunny Singh @ Kala is already given concession of regular bail by this Court and that the petitioner is behind the bars for last 02 months and on the conclusion of investigation the police has presented challan and that the trial is at its initial stage, after framing of charges.

5. I have considered the submissions made by counsel for the parties.

6. In view of the above, coupled with the fact that no contraband was recovered from conscious possession of the present petitioner, no meaningful purpose will be served by keeping the petitioner behind the bars, in the present case, even if she is having criminal history as detailed in her

custody certificate.

7. In light of the above discussion, the present petition is hereby allowed and petitioner directed to be released on regular bail subject to her furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. However, anything observed herein above shall not be treated as an expression of opinion on merits of the case. Further, petitioner is not to indulge in any such illegal activity in future, and respondent will be at liberty to seek cancellation of bail of the petitioner in the present case, if in future, petitioner commits another offence under NDPS Act.

15.01.2025
M.Sikka

(KARAMJIT SINGH)
JUDGE

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