



224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4708-2025

Date of Decision: 31.01.2025

JASPREET KAUR @ RAJJI AND ANOTHER

...Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sangram Singh Saron, Advocate for the petitioners.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

1. The present petition has been filed under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioners in FIR No. 83 dated 08.10.2024 under Sections 22 and 29 of the NDPS Act, 1985, registered at Police Station Aur, District Shaheed Bhagat Singh Nagar, Punjab.

2. Learned counsel for the petitioner submits that the petitioners have no previous criminal antecedents and have never been booked under the NDPS Act which lends credence to their false implication in the present case. As per the case of the prosecution, the petitioners were apprehended on suspicion leading to the recovery of 2.52 gms of Etizolam which is just 0.2 gms higher than the minimum classified as commercial under the Act. Learned counsel further submits that since in the present case, challan has already been presented and even charges have been framed, further incarceration of the petitioner would serve no useful purpose as the next



date of hearing before the trial Court is 10.02.2025 when the prosecution evidence is likely to the commence.

3. Per contra, while opposing the prayer and submissions of learned counsel for the petitioners, learned State counsel on instructions, has not disputed that the petitioners have been in custody since 08.10.2024, and furthermore, this is the first time that petitioner no.2 has been booked for an offence under the NDPS Act, and petitioner no.1 has no previous criminal antecedents. The stage of the trial has also been not disputed by the learned State counsel. In addition, learned State counsel, on instructions, has also not disputed that the alleged recovery made from the petitioners is 2.52 gms of Etizolam.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioners have been in custody since 08.10.2024. Petitioner no.1 has no criminal antecedents, while petitioner no.2 is facing trial for an offence only under the IPC. The trial is unlikely to conclude in the near future as none of the 10 prosecution witnesses have been examined till date.

6. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioners. Accordingly, the instant petition is allowed and the petitioners be admitted to bail on their furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion



on the merits of the case.

7. Needless to add, in case the petitioners misuses the concession of bail granted to them, the State would be at liberty to seek cancellation of same.

(MANJARI NEHRU KAUL)
JUDGE

31.01.2025
kv

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