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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23458-2024
Date of decision:-25.03.2025

SHER KAUR ALIAS SHERO

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
16	23.02.2024	22 of NDPS Act	Samana, District Patiala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is in custody since 23.02.2024 and the alleged recovery effected from the petitioner does not fall within the purview of



commercial quantity, as the weight of the same is 71.92 grams and the commercial quantity starts from 100 grams. He contends that after completion of investigation challan has already been presented in Court, as such, petitioner is not required for further investigation. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by submitting that the petitioner is indulging in narcotics, as such she is not entitled to concession of bail. However, he has not disputed that the alleged recovery of contraband effected from the petitioner does not fall within the purview of commercial quantity.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the basis of secret information and accordingly on 23.02.2024 petitioner was arrested and from her possession 620 loose tablets of light orange colour were recovered, which according to FSL report contained 71.92 gram of Alprazolam. Admittedly, the recovery of contraband allegedly effected from the petitioner does not fall within the purview of commercial quantity. The petitioner is in custody since 23.02.2024, after completion of investigation, challan has already been presented in Court wherein prosecution has cited 11 witnesses and till date only 2 witness have been examined. Therefore, the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to



be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

25.03.2025
Gyan

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No