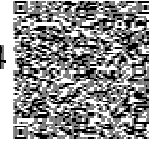


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-36161-2024 (O&M)
Date of decision: 10.01.2025

Reenu Kaur**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. R. K. Kachura, Advocate
for the petitioner.

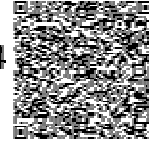
Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in case arising out of FIR No. 164 dated 28.12.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Khuian Sarwar, District Fazilka.

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.12.2023, a police party headed by ASI Harinder Singh was conducting a routine check up and they stopped a bus at village Gumjal, Tehsil Abohar. During the course of checking, the petitioner alighted from the bus and started walking briskly towards the side of Sri Ganganagar. On suspicion, she was apprehended by the police party and recovery of 8000 tablets of Tramadol Hydrochloride was effected from the petitioner. The petitioner was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 Cr.P.C. was presented in the Court and presently, the petitioner is facing trial for

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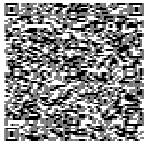


commission of aforementioned offence. She had moved an application for grant of regular bail before the learned trial Court but the same had been dismissed, vide order dated 25.06.2024.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. The petitioner was not present at the spot disclosed in the FIR and no recovery of contraband was effected from her. Rather, the contraband allegedly recovered from the petitioner was planted by the police officials. More so, no independent witness was joined at the time of effecting alleged recovery. It is further argued that the mandatory provisions of Sections 42 and 50 of the NDPS Act were also not complied with. The petitioner is in judicial custody since 28.12.2023. The trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted benefit of regular bail.

4. Status report has already been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as a commercial quantity of the contraband was recovered from her. She was nabbed at the spot. Her story regarding false implication and plantation of the recovered contraband is concocted one. It is further argued that since the recovery of the contraband effected from the petitioner falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against her. The trial may be expedited. The petitioner may abscond or indulge in similar offences, if extended benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 28.12.2023 and recovery of 8000 tablets of Tramadol Hydrochloride was effected from her. The quantity of the recovered contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The apprehension of learned Deputy Advocate General, Punjab that if extended benefit of bail, the petitioner may indulge in similar offences or abscond, cannot be stated to be unfounded, at this stage. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. The arguments raised by learned counsel for the petitioner with regard to lacunas in the investigation cannot be looked into at this stage as the same is to be decided by the trial Court after appreciating the entire evidence and material placed on record before it. Therefore, keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from her, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that she does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

10.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No