



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M No. 50046 of 2024 (O&M)
Date of Decision: 16.01.2025

Surjit Kaur @ Sito

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Prateek Gupta, Advocate,
for the petitioner.

Mr. Vishnav Gandhi, Deputy Advocate General, Punjab
for the respondent.

HARKESH MANUJA, J. (ORAL)

By way of present (third) petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, prayer has been made for grant of bail pending trial in case FIR No.89 dated 29.08.2023, under Section 21 of NDPS Act, 1985, registered at Police Station City Samana, wherein she has been implicated against the alleged recovery of 10 grams of Heroin.

[2] Learned counsel for the petitioner submits that the investigation in the present case stands concluded with the filing of challan; the petitioner is in custody since 30.08.2023 and none of the prosecution witnesses has been examined so far; thus, prayer is for grant of regular bail.

[3] On the other hand, learned State counsel opposes the prayer while referring to the antecedents of petitioner, who is involved in five more cases under the provisions of NDPS Act, while she stood acquitted in two cases; got convicted in one and finally sentenced for two years; and in the

other two cases, she was granted anticipatory bail relating to the recovery of non-commercial quantity of contraband; thus, she does not deserve the concession of regular bail.

[4] I have heard learned counsel for the parties and gone through the paper-book. I find substance in the submissions made by learned counsel for the petitioner.

[5] In the present case, the investigation already stands concluded with the filing of challan, followed by framing of charges on 19.02.2024; the petitioner is behind the bars since 30.08.2023, i.e. for the past more than one year and four months, besides it, out of ten prosecution witnesses, none has been examined so far; thus the trial may take some time. Moreover, the recovery in the present case is 10 grams of Heroin, which falls under the category of non-commercial quantity and regarding other cases, the conviction of petitioner in one case, besides she being under trial in two other cases; those all relate to recovery of non-commercial quantity. Considering the above factors, I do not deem it appropriate to extend the incarceration of petitioner.

[6] In view of the above, but without commenting upon merits of the present petition, the same is allowed. Petitioner is ordered to be released on bail subject to her furnishing adequate bail bonds / surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned.

January 16, 2025
'dk kamra'

(HARKESH MANUJA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No