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

CRM-M-50487-2024**Date of Decision: 16.01.2025**

Amarjit Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ashok Giri, Advocate, for the petitioner.

Mr. Deepinder Singh Brar, Senior DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to her in case FIR No.209 dated 30.07.2024 registered under Sections 18(b), 21(b), 27-A of NDPS Act, 1985 at Police Station Phillaur, District Jalandhar.

2. Learned counsel for the petitioner contends that the petitioner and her co-accused Jarnail Singh were apprehended by the police on 30.07.2024. He further contends that the petitioner was found allegedly carrying 15 grams of Heroin besides Rs.50,000/- as drug money, whereas, the co-accused was found carrying 500 grams of Opium besides Rs.25,000/- as drug money. He further contends that since the recovery of contraband is non-commercial in nature, the rigors of Section 37 of the NDPS Act would not apply to the facts of the present case. As per him, the petitioner was arrested on 30.07.2024 and is in custody for the last more than 6 months.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and is required in several other cases.



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

5. No doubt, several criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on the ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon’ble Supreme Court in the matter of “*Prabhakar Tewari Vs. State of U.P., and another*” 2020(1) R.C.R. (Criminal) 831 wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of “*Maulana Mohd. Amir Rashadi Vs. State of U.P., and another*” 2012(1) R.C.R. (Criminal) 586. In the present case, the petitioner was arrested on 30.07.2024 and is in custody since then. Apart from that, the co-accused Jarnail Singh has already been granted the concession of bail by this Court vide order dated 28.10.2024 passed in CRM-M-52782-2024 and the case of the petitioner is at par with him.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

16.01.2025

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Whether speaking/reasoned :

Whether reportable :

Yes/No

Yes/No

(N.S.SHEKHAWAT)

JUDGE