



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
225

CRM-M-52079-2024
Date of decision: 05.08.2025

Mano @ Anita

....Petitioner

vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Dhillon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR 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 FIR No.0036 dated 13.03.2020 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Tanda, District Hoshiarpur.

2. As per the prosecution case, the FIR (supra) has been registered on the allegation that 110 grams of intoxicant powder, containing the salt of Alprazolam which is commercial in nature, was recovered from the possession of the petitioner.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The alleged recovery of 110 grams of intoxicant powder is marginally higher than the commercial quantity. The entire recovery was taken into possession vide recovery memo along with the polythene bag and weighed



collectively and in case, the weight of the polythene bag is deducted from the alleged contraband, the recovery would fall under the ambit of non-commercial quantity. He further submits that the alleged recovery is only 10 grams higher than the commercial quantity. The petitioner has suffered the incarceration of 01 year, 04 months and 11 days.

4. Learned counsel for the petitioner further submits that initially the petitioner was declared as proclaimed offender on 01.12.2023, however, this Court vide order dated 11.12.2023 has set-aside the order dated 01.12.2023 and directed the petitioner to surrender before the learned trial Court. There are total 12 prosecution witnesses cited in the list of witnesses, out of which, 02 PWs have been examined till date and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate of the petitioner today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that commercial quantity of contraband was recovered from the petitioner, which falls within the ambit of commercial quantity and the petitioner is involved in other cases also and as such, she is not entitled to any relief, however, he could not controvert the fact that the petitioner is on bail in other cases.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 year, 04 months and 11 days. Investigation is complete. The final report under Section 173 Cr.P.C. has been presented



before the concerned Court. Charges have been framed and trial of the case has not made much progress. Out of 19 prosecution witnesses, 02 PWs have been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. The recovered contraband contains the salt of Alprazolam, which exceeds the commercial quantity only by 10 grams. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023*, *Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023*, *Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024*, *Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022*, *Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022*, *Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023*, *Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)' decided on 11.11.2022*, *'Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020*, *Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021*, *Salim vs. State*



of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023', and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India.

9. Finally, in view of the ratio of law laid down by Hon'ble Supreme Court in ***Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831*** and ***Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382***, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Mano @ Anita, is ordered to be released on regular bail during pendency of the trial, on furnishing bail



bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

05.08.2025
yakub

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