

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

CRM-M-37677-2015

Date of decision: 17.11.2015

Sudha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. K.V. Singh, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.171 dated 27.06.2015 under Sections 17, 21, 27, 29 of NDPS Act, registered at Police Station Old Sabzi Mandi, District Rohtak.

Learned counsel for the petitioner places reliance on the following judgments: -

- 1. State of Rajasthan Vs. Parmanand and another, 2014 (2) RCR (Crl.) 40**
- 2. Raj Kumar Vs. Narcotics Control Bureau, Chandigarh, 2015 (1) Law Herald 603.**
- 3. Angrez Singh @ Chhotu Vs. State of Punjab, 2015 (2) Law Herald 1502**
- 4. Palo Vs. State of Punjab, 2015 (4) Law Herald 3199.**

Based on the abovesaid judgments, learned counsel for the petitioner submits that since the petitioner is inside the jail for the last about five months and the contraband recovered from the petitioner was that of

non-commercial quantity, she is entitled for bail pending trial. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that since the FIR is dated 27.06.2015 and charges have already been framed on receipt of FSL report, there is hardly any delay in the trial. He further submits that the recovery was effected from the petitioner, after meticulous compliance of the relevant provisions of law. He prays for dismissal of the present petition.

After hearing learned counsel for the parties at considerable length and going through the record of the case, this Court is of the considered opinion that keeping in view the totality of facts and circumstances of the case, petitioner has not been found entitled for bail pending trial. It is so said because there is no delay in the trial. FIR was registered only on 27.06.2015. The FSL report dated 17.09.2015 was received and thereafter, charges have been framed against the petitioner.

Coming to the judgments relied upon by learned counsel for the petitioner, there is no dispute about the law laid down therein. However, on close perusal thereof, none of them has been found of any help to the petitioner, being distinguishable on facts. Further, it is the settled proposition of law that peculiar facts of each case are to be examined, considered and appreciated first before applying any codified or judgemade law thereto. Sometimes, difference of one additional fact or circumstance can make a world of difference, as held by the Hon'ble Supreme Court in **Padmausundra Rao and another Vs. State of Tamil Nadu and others, 2002 (3) SCC 533.**

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, no case for bail pending trial has been made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

17.11.2015
vishnu