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

CRM-M-40184 of 2016

Date of decision: November 18, 2016

Rakhi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Ms. Sukhpreet Kaur, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.51 dated 22.02.2016, under Sections 21/29 of the Narcotic Drugs and Psychotropic Substance Act, 1985, registered at Police Station Ambala City, District Ambala, the petitioner seeks regular bail who was arrested on 19.08.2016.

It is not in dispute that the contraband that was recovered from the co-accused Bunti was non-commercial quantity that was 5.67 grams smack. The allegation against the petitioner is upon the disclosure statement of Bunti that the petitioner had sold the contraband to him. In other words, the petitioner appears to be the seller of the contraband.

Learned State counsel submits that to the credit of the petitioner, there are two more cases of the similar nature.

In my opinion, the petitioner being a woman and in the

wake of the fact that there is no direct evidence against the petitioner, but only the disclosure statement, nevertheless, the petitioner will have to file an undertaking on the affidavit that she will not indulge in the similar type of offence in future. I am inclined to the grant bail to the petitioner because the quantity of the contraband is non-commercial in the first place and secondly, it is on the basis of the disclosure statement of Bunti. Be that as it may, by way of last chance, the petitioner can be granted the liberty but then if the petitioner is found indulging in similar offences hereafter, this Court would certainly consider revocation of this order of bail as well.

Hence, this petition is allowed. Petitioner be released on bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned, subject to her filing undertaking on affidavit within 2 weeks from the actual release, stating that the petitioner would not indulge into such type of offences in future. Petitioner shall not tamper with the prosecution evidence, threaten or exercise any influence on the prosecution witnesses. However, liberty is reserved in favour of the State to apply for cancellation of bail, if the petitioner is found again indulging in similar type of offences.

(A.B. CHAUDHARI)
JUDGE

November 18, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No