

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

**CRM-M No. 9193 of 2016 (O&M)
Date of Decision: 23.05.2016**

Saroj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Kulvir Narwal, Advocate
for the petitioner.

Mr. Yashwinder Singh Deputy Advocate General, Haryana
for the respondent/State assisted by ASI Amar Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of Cr.P.C., is for grant of regular bail on behalf of the petitioner-accused-Saroj in case FIR No. 343, dated 17.06.2015, for offence punishable under Section 30 of the Narcotic Drugs and Psychotropic Substances Act, registered at Police Station City, Rohtak.

There was a recovery of 280 grams of *charas* from the scooter (Activa bearing registration No. HR-12J-2907) belonging to Manju, while it was parked out a police station.

Allegations against the petitioner-accused are that on account of a litigation between Smt. Manju and co-accused-Mukesh, co-accused-Satish at the behest of Mukesh had planted the said 280 grams of *charas* in the said scooter, which was allegedly purchased from co-accused-Sunil, who in turn stated to have purchased the same from the petitioner-accused (Saroj).

It is contended that the seized quantity is non-commercial in nature and evidence of eighteen (18) cited prosecution witnesses is yet to commence. It is also contended that all rest of co-accused persons including Sunil have been granted bail. The petitioner is stated to be in custody since 27.08.2015

Learned State Counsel, assisted by ASI Amar Singh, does not dispute that the quantity allegedly purchased from the petitioner-accused is non-commercial in nature and further submits that there is involvement of the petitioner in another case, although, the quantity is again non-commercial in nature. He also does not dispute the fact of grant of bail to co-accused persons.

Without commenting on the merits of the case, keeping in view the facts noticed above; custody period of the petitioner; parity of treatment, petitioner is a lady and the fact that seized contraband is non-commercial in nature, no useful purpose would be served by keeping the petitioner-accused in custody since the trial is not likely to be concluded in near future, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

May 23, 2016
'dk kamra'

(JASWANT SINGH)
JUDGE