

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

**CRM-M No.16374 of 2018
Decided on: 30.04.2018**

Banti

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.S. Gill, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner in FIR No.102 dated 31.01.2018, for offence punishable under Sections 20, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') registered at Police Station City Thanesar, District Kurukshetra.

Counsel for the petitioner has submitted that the petitioner is an old lady aged about 67 years and as per the allegation in the FIR, the co-accused Rajni has kept the contraband in her house and in lieu thereof, the petitioner got some money. It is further submitted that it will be a debatable issue whether the petitioner was found in possession of the contraband as per the allegation in the FIR or not. It is also submitted that the petitioner is in judicial lock up since 31.01.2018 and it will take some time in conclusion of the trial.

Counsel for the State, on instructions from ASI Mahender

Singh, submits that the petitioner is not involved in any other case under the NDPS Act and as per the investigation, it is found that the petitioner has rented out the portion of the house to co-accused Rajni, from where the recovery was effected.

Without commenting anything on merits of the case and considering the fact that the petitioner is an old lady aged about 67 years; she is not involved in any other case; she is in judicial lock up since 31.01.2018; the challan has been presented; charges are yet to be framed and the FSL report is still awaited, this petition is allowed and the petitioner is ordered to be released on bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioner is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

30.04.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No