

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

**CRM-M No.2296 of 2020
Date of Decision : 26.02.2020**

Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Gurpal S. Sandhu, Advocate
for the Petitioner.

Mr. Avtar S. Sandhu, Addl. Advocate General, Punjab
assisted by ASI Amrik Singh
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail in case FIR No.175, dated 10.11.2019, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Sadar Malout, District Sri Muktsar Sahib.

2. Heard both sides.
3. Admittedly, no recovery whatsoever was made from the present Petitioner, who is actually wife of the co-accused, namely, Nikka Ram @ Nikka. The recovery was made from the co-accused himself.

4. Nevertheless, the prayer for bail is opposed on behalf of the State by contending that the Petitioner's role in the present case is limited to abatement and criminal conspiracy with her husband. It, however, transpires that relevant Section 29 of the NDPS Act was added three months after the date of alleged recovery.

5. In such circumstances, whether or not the Petitioner was a part of the conspiracy or an active abator of her husband is essentially a matter of trial.

6. Considering the detention already undergone by the present Petitioner, namely Rani, and in view of the fact that she is not involved in any other case under the NDPS Act, she is ordered to be released on bail to the satisfaction of the Ld. Trial Court concerned.

7. Disposed off.

February 26, 2020

Dpr

**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No