

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-6875-2020 (O&M)****Date of Decision: 11.12.2020**

Chander Mukhi @ Chandro @ Soma & another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Parminder Singh, Advocate, for the petitioner.

Mr. Ramesh K.Ambavta, AAG, Haryana,
assisted by SI Rohtash.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. Petitioner No.1 expired during pendency of this petition and the petition qua her was dismissed as infructuous on 10.09.2020.
2. Petitioner No.2 Chandani Devi @ Chanda has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.42 dated 19.01.2020 at Police Station City Karnal, District Karnal, under Section 20 of the NDPS Act.
3. It is the case of prosecution that a secret information was received by the police to the effect that Bittu in connivance with his mother Chander Mukhi and his wife Chandani Devi are all set to sell 'ganja patti' and that a consignment of 'ganja patti' was about to reach their house. Pursuant to aforesaid information, a raiding party was constituted and when the said party was near the house of Bittu, two women and a man were seen carrying a heavy blackish-blue coloured bag. Upon seeing the police party, they immediately entered into their house alongwith a bag and in the

said process, the man ran away from the spot. Two ladies were apprehended and search of the bag yielded recovery of 24 kg. 200 gms. of '*ganja patti*'.

4. The learned counsel for petitioner No.2 has submitted that she has falsely been implicated in the present case and that it will be debatable as to whether the allegedly recovered contraband would actually attract provisions of NDPS Act or not. It has also been submitted that in any case, the petitioner cannot be attributed conscious possession of the recovered contraband.
5. Opposing the petition, the learned State counsel has submitted that since the petitioner was caught red-handed alongwith contraband, no case for grant of bail is made out. The learned State counsel, upon instructions from SI Rohtash, has however informed that the petitioner has been behind bars since the last about 11 months and that the petitioner is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. In view of the below mentioned facts, the petitioner can be extended the benefit of concession of bail:
 - (i) The petitioner is a lady;
 - (ii) The petitioner is not involved in any other case;
 - (iii) The petitioner has been behind bars since the last about 11 months and the trial is yet to commence inasmuch as even the charges have not been framed;
 - (iv) The recovered contraband is amongst the mildest of the contrabands and is in natural form and was found to be weighing 24 kg. 200 gms. as against the quantity prescribed as "commercial quantity" which is 20 kgs; and

(v) The factum as to whether the petitioner was in conscious possession of the contraband or not would be debatable as three persons are stated to be carrying one bag.

8. In view of the aforestated facts, the petition is accepted and the petitioner – Chandani Devi @ Chanda is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11.12.2020

Vimal

(GURVINDER SINGH GILL)
JUDGE

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