

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M 14600-2020

Date of Decision : June 26, 2020

Raj Rani alias Akko

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. R.K. Ambavata, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This is the second petition under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No.218 dated 12.9.2019 under Sections 22(b) of the NDPS Act, registered at Police Station Kalan Wali, District Sirsa, as the earlier one was dismissed as withdrawn on 27.1.2020.

Brief facts of the case are that the FIR was registered with the allegations that when the police party was on patrol duty, they apprehended a lady (the present petitioner), who was holding a cloth bag. She was produced before the ASI and on search of the bag, 700 intoxicant tablets were found.

Counsel for the petitioner submits that though it is a case of chance recovery, however, it will be a debatable issue whether a proper procedure has been followed as the Investigating Officer and the complainant are the same. Counsel for the petitioner further submits

that the petitioner is in custody since 12.9.2019 and she is not involved in any other case.

Counsel has relied upon the orders passed by the trial Court to submit that the trial is not proceeding on account of the COVID-19 situation in the country.

Learned State counsel has not disputed the factual position. It is also not disputed that the petitioner is not involved in any other case.

Without commenting anything on merits of the case, considering the fact that the petitioner is a lady; she is the first offender; and in custody since 12.9.2019; and the trial is not proceeding further, this petition is allowed and the petitioner is directed to be released on bail subject to her furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case she is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

June 26, 2020
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No