

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

**CRM-M-17469-2020
Date of decision: 21.07.2020**

Asha Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Chanderhas Yadav, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 144 dated 05.05.2020, registered under Section 20/61 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Kherki Daula, Gurugram, District Gurugram.

Learned counsel for the petitioner submits that the petitioner is a widow, aged about 50 years, and she is having two minor daughters to support and she is the first offender.

Learned counsel further submits that as per the allegations in the FIR, the police party recovered 01 kg. of *Ganja Patti*, which would fall in non-commercial quantity and just marginally above the small quantity as per Clause 55 of the notification appended to the NDPS Act.

Learned counsel further submits that the Additional Sessions Judge, Gurugram, while dismissing the bail application, has wrongly assumed that the recovery effected from the petitioner is of commercial

quantity.

Learned State counsel submits that till date, FSL report has not been received; challan stands presented on 06.06.2020 and no prosecution witness has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is a widow lady; she is no more required for any further custodial investigation and also in view of the fact the recovery effected from the petitioner is marginally above the small quantity; the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety to the satisfaction of the trial Court/Duty Magistrate concerned.

21.07.2020

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No