

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

224

CRM-M-20772-2020 (O&M)

Date of decision: 11.08.2020

Simranjeet Kaur @ Simran @ Simerjeet

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

Mr. Anant Kataria, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-18005-2020

In view of the restrictions imposed to prevent spread of Covid-19 and the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing/annexing the process fee/Court fee as prayed for and the same be filed within one week from the date of resumption of normal working.

CRM-M-20772-2020

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail in case FIR No.176 dated 09.11.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Ding, District Sirsa.

As per the allegations in the FIR on 09.11.2019, the police party headed by ASI Satya Narain apprehended petitioner-Simranjeet Kaur @ Simran along with her co-accused Sandeep Soni @ Deepu. On search, 350 grams of heroin was recovered from polythene contained in pithu bag carried by co-accused Sandeep Soni @ Deepu. However, nothing was recovered from the bag carried by the petitioner and also on her personal search.

The petitioner, who is in custody since the date of her arrest, has filed the present petition for grant of regular bail.

Pursuant to supply of advance copy, learned State counsel has appeared and opposed the petition. However, no reply has been filed by the respondent-State.

I have heard learned counsel for the petitioner and learned State counsel and gone through the relevant record.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the case. Mandatory provisions of the NDPS Act were not complied with. No independent witness was joined at the time of personal search. Alleged recovery was made only from co-accused Sandeep Soni @ Deepu while nothing was recovered from the petitioner. The petitioner could not be said to have knowledge of the contents of the bag of her co-accused Sandeep Soni @ Deepu and cannot be said to be in conscious possession of the contraband. Rigors of Section 37(1)(b) of the NDPS Act are not applicable qua the petitioner. The petitioner is not involved in any other case under the NDPS Act. The trial is likely to take long time and no useful purpose will be served by further detention of the petitioner in

custody during trial. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has argued that the petitioner is accused of having committed heinous offence and in view of the gravity of accusation, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, in-applicability of rigors of Sections 37(1)(b) of the NDPS Act qua the petitioner, the fact that the petitioner is not involved in any other case under the NDPS Act and also that the trial is likely to take long time but without commenting on the merits of the case, I am of the considered view that the petitioner may be extended the concession of regular bail.

Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that she shall not commit any offence under the NDPS Act after her release on bail and in case of commission of any offence by her under the NDPS Act in future her bail in the present case shall also be liable to be cancelled on application to be filed in this regard.

11.08.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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