

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

**CRM-M-23827-2020
Date of decision: 21.08.2020**

Smt. Vikash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhimanyu Singh, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 62 dated 21.05.2017, registered under Section 15 of the NDPS Act, 1985 (Sections 27-A and 29 of the NPDS Act added later on) at Police Station Behal, District Bhiwani.

Learned counsel for the petitioner was named in the FIR, which was registered on a secret information. It is further submitted that subsequently when a raid was conducted, the police recovered 1405 Kgs. of poppy husk from the house of one Krishan, who is a distant relative of petitioner.

Learned counsel further has submitted that the petitioner is a resident of State of Rajasthan and as per disclosure statement, aforesaid Krishan used to deal with the husband of petitioner, namely Anil, who was confined in Sirsa Jail at that time.

It is further submitted that there is no evidence with regard to

involvement of the petitioner and she has been involved only because her husband Anil was named by aforesaid co-accused Krishan, however, he was confined in jail at the relevant time.

Learned counsel for the petitioner has further submitted that petitioner was not aware of the proceedings pending against her and in the meantime, she was declared a proclaimed offender on 25.06.2019 and coming to know about the warrants issued against her, the present petition has been filed.

Learned counsel for the petitioner has further submitted that one co-accused namely Ram Avtar, who was also declared a proclaimed offender and was named by said co-accused Krishan, has been granted concession of anticipatory bail by the Additional Sessions Judge on 25.06.2019, the date when the petitioner was declared proclaimed offender.

Learned counsel for the petitioner has referred to order dated 05.03.2020 passed in ***CRM-M-8255-2020***, titled as ***Krishan vs. State of Haryana***, vide which, noticing the fact that two co-accused, namely Kanwar Sain and Hukmi Chand @ Madhu, have already been granted concession of regular bail, vide order dated 18.11.2019 passed in ***CRM-M Nos. 39216 and 39303 of 2019***, main accused Krishan has been granted concession of regular bail by this Court as he was in long custody of about two years and nine months and the trial was delayed.

Learned counsel for the petitioner further submitted that neither the petitioner was present at the spot nor any recovery is to be effected from her and she is ready to face the trial.

Learned counsel further submitted that he has instructions to

say that petitioner will not claim retrial and may only be permitted to further cross-examine the Investigating Officer in the case.

Learned State counsel, on instructions from SI Yashwant, has submitted that since the petitioner was declared a proclaimed offender, she should have challenged the said order. It is further submitted that an FIR under Section 174-A IPC has also been registered against the petitioner in pursuance to PO order.

Learned State counsel, however, could not dispute the fact that petitioner is not involved in any other case under the NDPS Act and is the wife of Anil, who was involved in a case under the NDPS Act and at the time of registration of FIR, he was confined in jail.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that though the name of the petitioner was mentioned in secret information, however, she was neither present at the spot nor any recovery was effected from her residence and in the disclosure statement of main accused Krishan, it is stated that husband of the petitioner used to supply him narcotics, who was in fact in judicial custody at the relevant time and also in view of the fact that main accused Krishan and two other co-accused have already been granted concession of regular bail and another co-accused Ram Avtar, who was also later on named by Krishan and was declared proclaimed offender, has been granted anticipatory bail by the trial Court, this petition is allowed.

The petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it is made clear that petitioner will not claim a fresh

trial and out of the prosecution witnesses already examined, the petitioner can only claim the further cross-examination of the Investigating Officer of the case.

21.08.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No