

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

207

CRM-M No. 27003 of 2020

DATE OF DECISION : 14th SEPTEMBER, 2020

Maya

.... Petitioner

Versus

The State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. B. S. Saroha, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.527 dated 14.06.2020 registered under Section 20 (Section 29, added later on) of the Narcotics Drugs & Psychotropic Substances Act, 1985; Section 61 of the Punjab Excise Act, 1914 and Section 188 of IPC at Police Station City Thanesar, District Kurukshetra.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is of 71 years of age and she has never indulged in any criminal activity, as alleged against her. Even as per the case of the prosecution, the alleged recovery is from the roof top of the house of the petitioner, which is abutting to so many houses. Therefore, the place, from where the recovery has been effected, is not even in exclusive control of the petitioner. Still further it is submitted that otherwise also, the alleged quantity of the recovered

material is non-commercial. There is no other case against the petitioner. The petitioner is in custody since 27.06.2020. The petitioner is not required for any investigation purposes.

Notice of motion.

Mr. Arun Beniwal, DAG, Haryana, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by ASI Vijender Singh, has submitted that the recovery has been effected from the roof of the house of the petitioner. Therefore, she could be held liable qua the material recovered by the police. However, it is not disputed that there is no other case against the petitioner and that the quantity of the contraband, allegedly recovered by the police, is non-commercial in nature.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to her furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

14th SEPTEMBER, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>