

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

**CRM-M No.41914 of 2019 (O&M)
Date of Decision:05.03.2020**

Murti

... Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Nipun Vashist, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana
for the State.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail in FIR No.0577 dated 23.08.2019 under Section 61 of the Punjab Excise Act, 1914, under Section 20(b) of NDPS Act, 1985 and under Section 34 IPC, registered at Police Station Model Town, Rewari, Haryana.

Learned counsel for the petitioner has, inter alia, submitted that the petitioner was wrongly roped up in the present FIR because even as per the allegations of the prosecution, during the raid which was conducted at the house of the petitioner, three pouches of Ganja weighing 18 gms were recovered from the petitioner and thereafter, 1.120 Kg Ganja was recovered from the car of the son of the petitioner. He has further submitted that the

son of the petitioner has already been arrested by the police. Learned counsel for the petitioner has further submitted that the petitioner is not involved in any other case and she has been roped up in the present FIR only because she is the mother of Sunder. He has further submitted that being mother of one of the accused, can not be the ground for proceeding against the petitioner. He has also submitted that the petitioner is in custody since 23.08.2018 and investigation is already complete and charges have been framed. Learned counsel for the petitioner has further submitted that out of 18 witnesses, 04 have been examined and no material witness is left.

Per contra, learned State counsel, on instructions from SI Rohtas Singh, has submitted that in the present case, recovery of Ganja from the petitioner was not of commercial quantity. He has further submitted that initially three pouches of Ganja weighing 18 gms were recovered from the petitioner and thereafter from the son of the petitioner, 1.120 kg Ganja was recovered. Learned State counsel has further submitted that since the matter involves the offence under the NDPS Act, therefore, he has opposed the bail to the petitioner. He has not disputed the fact that the petitioner is not involved in any other case, but her son is involved in some other cases. He also does not dispute that the petitioner is in custody since 23.08.2018 and investigation is already complete and charges have been framed. Learned State counsel has further submitted that out of 18 witnesses, 04 have been examined and no material witness is left.

I have heard learned counsel for the parties and perused the

record.

In the present case, the petitioner is in custody since 23.08.2018 and the investigation of the case is already complete. It is the undisputed fact that the petitioner is not involved in any other case. Learned State counsel has not disputed that the contraband recovered from the petitioner is of non-commercial quantity as the recovery was only of three pouches of Ganja weighing 18 gms from her and, therefore, bar under Section 37 of the NDPS Act is not attracted. The trial of the case has started and may take some time for final decision. Furthermore, it is not a case of the State that in case the petitioner is released on bail then there is likelihood that she may tamper with the record or influence any witness. Therefore, I deem it fit to admit the petitioner to regular bail.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall be released on bail on her furnishing bail bond/surety bond to the satisfaction of the trial Court.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant only for the purpose of decision of present petition.

(JASGURPREET SINGH PURI)
JUDGE

05.03.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No