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

**CRM-M No.28274 of 2021(O&M)
Date of Decision: 26.07.2021**

Pushpa

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Partap Singh, Advocate
for the petitioner.

Mr. Anant Kataria, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

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

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.363 dated 09.06.2021 registered under Section 20 of the NDPS Act at Police Station Rohtak City, District Rohtak.

As per prosecution case, 2 kgs 800 grams of charas was allegedly recovered from husband of the petitioner.

Learned counsel for the petitioner submits that the FIR

was registered on the basis of secret information that the petitioner and her husband Ramesh were involved in dealing with narcotics. Search was effected in the presence of the Gazetted Officer. On personal search of co-accused Ramesh, 2 kgs 800 grams of charas was recovered. No recovery was effected from the petitioner. Petitioner is wife of co-accused Ramesh. Recovery is from personal search of husband of the petitioner. Black colored plastic bag was found present in the hand of Ramesh. Petitioner is a lady and was a pillion rider on the scooter. Petitioner is not involved in any other case and there is no antecedent behaviour of criminal activity under NDPS Act. Learned counsel further submits that nothing was recovered from the conscious possession of the petitioner. Petitioner has been implicated solely on the ground that she was pillion rider of the scooter being driven by her husband having possession of the contraband.

Learned State counsel on instructions from SI Subham, however, opposed the bail on the ground that the petitioner was in the knowledge of the contraband being in possession of her husband. He has admitted that there is no criminal history of the petitioner in dealing with the narcotics. She is not involved in any other case. Challan has been presented, but charges have not been framed so far. Petitioner is in custody since

09.06.2021.

Having heard learned counsel for the parties, I am of the view that the complicity of the petitioner would remain debatable. Nothing has been recovered from personal search of the petitioner. Petitioner has no criminal background of involvement in any NDPS Act.

Looking to the aforesaid facts and in view of the situation arising out due to COVID-19 pandemic, I deem it appropriate to enlarge the petitioner on regular bail without adverting to the merits of the case.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

26.07.2021

Prince

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No