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

CRM-M-33282-2021 (O&M)

Date of Decision : 22.11.2021

Chinnu Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Tanvir S.Grewal, Advocate for the petitioner.

Mr. Ranveer S.Arya, Addl. A.G., Haryana
for the respondent-State.

JASGURPREET SINGH PURI (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR bearing No.194 dated 13.07.2021, under Sections 20-B/61/85 of the Narcotic Drugs & Psychotropic Substances Act, registered at Police Station Sadar Mohindergarh, District Mohindergarh.

The learned counsel for the petitioner has submitted that the petitioner is a widow having two children and her daughter is handicapped. Learned counsel for the petitioner has further submitted that it was because of the enmity the police firstly implicated the petitioner in an alleged confiscation of 5 kgs and 300 grams of ganja, as according to the prosecution, it was found from the chimney of the kitchen of the house of the petitioner. He has further submitted that the petitioner has been targeted by the police and the petitioner is not involved in any such other activities. Learned counsel for the petitioner has submitted that the

petitioner is neither involved in any other case nor any recovery was made from her conscious possession. He has further submitted that even as per prosecution, the FIR was registered on the basis of secret information, still no independent witness has joined in the present case. Learned counsel for the petitioner has further submitted that the petitioner is in custody from 13.07.2021 and during the pendency of the present petition she was granted interim bail for a period of three weeks and after the expiry of three weeks she had surrendered before the jail authorities. According to the learned counsel for the petitioner, the investigation of the case is already complete and the challan has been presented in the competent court. He has further submitted that the alleged recovery was of 5 kgs and 300 grams of ganja which is not a commercial quantity and considering the totality of the circumstances, the petitioner may be considered for the grant of regular bail.

Learned State counsel has submitted that so far as the custody of the petitioner is concerned, the same is correct. He has also referred to the status report filed by the State wherein it has been mentioned in para No.8 that the petitioner is not involved in any other criminal case except the present one and she has not been declared as proclaimed offender at any point of time. Furthermore, the recovered quantity was of 5 kg 300 grams of ganja which was recovered from the chimney of the kitchen of the petitioner, is not a commercial quantity. He has, however, opposed the grant of bail on the ground that the recovery was of a contraband and charges have been framed and no prosecution evidence has been examined as yet.

I have heard learned counsel for the parties.

The custody period of the petitioner is not in dispute. It is also not in dispute that after the grant of interim bail the petitioner has surrendered back in time. The petitioner is not found to be involved in any other case nor she has been declared proclaimed offender in any case. The alleged recovery from the petitioner was from a chimney of the kitchen and the alleged confiscated quantity was non-commercial in nature. The petitioner is a widow having two children and her daughter is handicapped. Furthermore, after perusal of the affidavit filed by the State and also the submission made by learned State counsel, there is nothing to suggest that in case the petitioner is released on bail she may temper with the evidence or may influence any witness or may flee from justice.

Therefore, considering the totality of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds/surety bonds to the satisfaction of the concerned Chief Judicial Magistrate/Trial Court/Duty Magistrate.

However, anything observed herein above shall have no effect on the merits of the case and is meant for deciding the present petition only.

22.11.2021
mamta

(JASGURPREET SINGH PURI)
JUDGE

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