

CRM-M-47536-2021

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

CRM-M-47536-2021

Date of decision: 22.11.2021

Sheela Devi

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Jitender K. Sehrawat, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.228 dated 17.05.2021, registered at Police Station Narnaund, District Hisar, under Section 20 NDPS Act, 1985, Section 188 IPC and Section 51 of the Disaster Management Act, 2005.

Learned counsel for the petitioner contends that the petitioner, who is a housewife, was not named in the FIR and has been indicted on the disclosure statement of co-accused, Rajbir from whose house, recovery of 139 kilogram *Ganja Pati*, had been effected. Moreover, the co-accused was not present at his house at the time of the alleged recovery. There is no direct or indirect evidence to connect the petitioner with the alleged offence. Moreover, co-accused, namely, Jasbir alias Jasmer and Geeta stand enlarged on bail by this Court, vide orders dated 27.10.2021 passed in CRM-M-29109-2021 and CRM-M-43505-2021. There is no other case

CRM-M-47536-2021

pending or registered against the petitioner, who has been in custody since 26.05.2021.

On the other hand, learned State counsel, while opposing the prayer of the petitioner for grant of bail, submits that as per the FSL report, the intoxicant substance recovered in the present case, was *ganja* and not *ganja pati*. The recovery of 139 kilogram *ganja*, effected in the present case, falls under the commercial quantity. However, he does not dispute the custody period of the petitioner.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 26.05.2021. Trial is unlikely to conclude any time soon. There is no other case pending or registered against the petitioner. Therefore, no useful purpose would be served by keeping the petitioner behind the bars. Moreover, as noticed above, the co-accused stand enlarged on bail.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

22.11.2021

parveen kumar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No