

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

223

CRM-M-11406-2022

Date of Decision: 23.03.2022

Raj Rani @ Raje

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Deepak Aggarwal & Mr. Akhil Aggarwal, Advocates,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Gursahib Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.258 dated 01.12.2021 at Police Station Canal Colony, District Bathinda, under Sections 304 IPC and Section 29 of the NDPS Act.
2. As per the allegations levelled by the complainant, her son had fallen in bad company and that Manoj Kumar got complainant's son addicted to drugs. It is alleged that on 29.11.2021, her son went along with Manoj Kumar, but did not return back. On 1.12.2021, dead body of complainant's son was recovered. The complainant further alleged in the FIR that a few days back her son had informed that Manoj Kumar used to procure the drugs from Sandeep Singh as well as from one Raj Rani (petitioner).

3. Learned counsel for the petitioner has submitted that she has been named in the FIR on the basis of information alleged to have been passed on to the complainant by her son a few days prior to his death and that such like statement would not carry any value unless corroborated by another piece of evidence and that there is no such evidence to establish the said allegations. It has further been submitted that it is not the case of prosecution that the petitioner was found in possession of any contraband so as to affirm the allegations that she had been procuring drugs and had been passing on the same to the deceased. Learned counsel has further submitted that it is a case where the deceased apparently was an addict and had died on account of over dose of drugs and that in these circumstances, no liability can be fastened upon the petitioner.
4. Opposing the petition, learned State counsel has submitted that since the petitioner stands involved in 2 other cases registered under the NDPS Act, it is evident that she is into drugs and had been supplying the same to the deceased, which resulted into his death. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 month & 27 days and that challan already stands presented.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case, it would certainly be debatable as to whether the petitioner, who was never found in possession of any contraband nor was found in the

company of the deceased immediately before his death, can be fastened with any kind of liability as regards the death of complainant's son, who had apparently died on account of over dose of drugs. The challan already stands presented. Conclusion of trial is likely to take time inasmuch as the trial has not even commenced till date as no PW has been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.03.2022

Vimal

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**