

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

**CRM-M-11668-2022
Date of decision: 24.03.2022**

Raj Kumari

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Robin Singh Hooda, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 223 dated 01.08.2021, registered under Sections 22, 29 of the NDPS Act, 1985 at Police Station Sector 14, Panchkula.

Learned counsel for the petitioner further submits that as per allegations in the FIR, registered at the instance of ASI Ram Parkash, while on patrol duty, he got a secret information that Naveen, Sushila and petitioner Raj Kumari are doing the business of selling intoxicant tablets and injections in front of the room of Sushila and they are present in the street in front of room of Raj Kumar, which also in front of the house of Sushila. Thereafter, an information was sent to the police station under Section 42 of the NDPS Act and the Investigating Officer reached at the spot and found that at a little distance from the house of petitioner Raj Kumari at Indira Colony, the secret informer pointed towards a boy naming him as Naveen and two other ladies i.e petitioner Raj Kumar and said

Sushila. Thereafter, with the help of co-officials, all the aforesaid three persons were apprehended with one black and red color bag. Separate notice under Section 50 of the NDPS Act was given to them in the presence of a Gazetted Officer. After giving notice under Section 50 of the NDPS Act, the search was conducted and 60 packets of *Parvion-Spas* capsules containing *Tramadol*, 05 packets of *Leegesic* Injections 2 ML containing *Buperonorphine HCL* and 25 bottles of *Pheniramine Maleate Inj. IP* were recovered from a red and black color bag, which was lying near Naveen, Raj Kumar and Sushila. Search of Sushila and Raj Kumar was conducted by a lady police official and in their personal search, nothing incriminating was recovered.

Learned counsel further submits that it will be a matter of trial whether the petitioner was in conscious possession of the contraband recovered as it is the case of the prosecution that after giving notice, the recovery was effected from a bag, which was lying near the accused persons.

Learned counsel further submits that the petitioner is a lady, aged about 50 years and is suffering from age related problems and she is under constant treatment for her orthopedic problems. It is further submitted that the petitioner is a first offender and is not involved in any other case. She is in judicial custody for the last 07 months and 20 days and the investigation is complete.

Learned counsel further submits that one of the co-accused namely Mohd. Saiyad, who was nominated later on, has already been granted the concession of regular bail by this Court, vide order dated 04.02.2022 passed in CRM-M-41025-2021.

Learned State counsel has filed the custody certificate and has not disputed the factual position. As per custody certificate, the petitioner is in judicial custody for the last 07 months and 20 days and she is not involved in any other case. It is submitted that challan stands presented and the case is now fixed for framing of charge.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid facts and circumstances, the instant petition is allowed. The petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

24.03.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No