

CRM-M-35073-2022

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

**CRM-38830-2022 in/and
CRM-M-35073-2022 (O & M)
Date of decision:18.10.2022**

Usha Rani @ Usha

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Gaurav Sharma, Advocate,
for the petitioner.

Mr. Subhash Godara, Addl. A. G. Punjab.

HARNARESH SINGH GILL, J. (ORAL)

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This is an application under Section 482 Cr.P.C. for an early hearing of the main petition i.e. CRM-M-35073-2022, which is fixed for hearing on 29.11.2022.

Notice in the application to the respondent-State.

On the asking of this Court, Mr. Subhash Godara, Addl. A. G. Punjab, accepts notice on behalf of the respondent-State, and submits that he has no objection, if the present application is allowed.

In view of the above, the present application is allowed and the date of hearing of the main petition is preponed from 29.11.2022 to that of today and the same is taken on the Board for hearing.

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Through this petition, the petitioner seeks regular bail in case

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bearing FIR No.94 dated 05.07.2022, registered at Police Station Dhanaula, District Barnala, under Section 304 IPC and Section 21 of the NDPS Act (added later on).

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case; that the present FIR is a counter-blast to FIR No.61 dated 30.04.2022, under Sections 363, 366 and 120-B IPC, got registered by the petitioner, against the family members of the complainant, for abducting her daughter; that when the petitioner was in police custody, recovery of contraband had been effected on the basis of her own statement, and that the petitioner has been in custody since 06.07.2022. So far as another case i.e. FIR No.99 dated 26.07.2018, under Section 20 NDPS Act, Police Station Dhanaula, registered against the petitioner is concerned, she was indicted on the disclosure statement of her husband and she had been granted anticipatory bail therein, vide order dated 14.02.2019 passed by the Coordinate Bench. Moreover, co-accused, namely, Shankar has since been granted the concession of *ad interim* pre-arrest bail by this Court, vide order dated 01.08.2022.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that the petitioner had actively participated in the crime, and that during investigation, the petitioner suffered a disclosure statement that she had purchased 15 gram intoxicating powder from some unknown person, out of which excess powder had been given by her to Manpreet Kumar alias Gagandeep (since deceased). .

I have heard the learned counsel for the parties.

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As per the case of the prosecution, the son of the complainant had died due to overdose of intoxicating substance given by the petitioner. The petitioner had also got recovered 10 gram intoxicating substance. Moreover, the petitioner is also involved in another case registered under the NDPS Act. The petitioner cannot claim parity with co-accused, Shankar, for the reason that no recovery of contraband had been effected from him. So far as other contentions of the learned counsel for the petitioner, are concerned, the same are to be appreciated only at the time of final decision.

Keeping in view the nature and gravity of the offence, this Court does not find any merit in the present petition.

Dismissed.

18.10.2022

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No