

CRM-M- 2143-2023 (O&M)

2023:PHHC:
-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M- 2143-2023 (O&M)
Date of Decision: 10.05.2023

Veena

... Petitioner

V/s.

State of Punjab

... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present : Mr. Sachin Ohri, Advocate
for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 202 dated 29.10.2022, under Section 21(a) and 22(b) of NDPS Act registered at Police Station Dinanagar, District Gurdaspur, who is alleged to have possessed contraband of 02 gram 650 m.g. heroin along with 80 loose tablets.

Learned counsel for the petitioner contends that the petitioner is in custody since 30.10.2022 and has been falsely implicated in the present case, where the alleged recovery effected from her is of non-commercial quantity. He further contends that petitioner has no other case pending against her and even the charges have also been framed where out of total nine prosecution witnesses, none has been examined till today and the conclusion of trial will take sufficient time, therefore, the petitioner be released on bail. Learned counsel further refers to the judgment rendered by

the Apex Court in *Maulana Mohammad Amir Rashadi Vs. State of Uttar Pradesh and Anr.* 2012(2) SCC 382 in Crl. Appeal No. 159 of 2012 and contends that there are other cases pending against the petitioner but the facts of the present case should be considered while deciding her bail application.

Custody certificate has been filed by the respondent-State, which is taken on record. Even though learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner on the ground that petitioner is a habitual offender, where number of cases are pending against her and the offence alleged against the petitioner is also serious in nature. However, as per custody certificate, he does not dispute the fact that in 7 cases petitioner has been granted bail and in two cases she has already undergone and also the fact that challan stands presented and charges have been framed.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 30.10.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the recovery is of non-commercial quantity and challan stands presented and the charges have been framed and the trial would take sufficient time, so no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned on the following conditions:-

- 1. she shall appear before the Court on each and every date of hearing;
- 2. she shall not give any threat or intimidation to the prosecution witnesses;
- 3. she shall not indulge in any criminal activity.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any terms and conditions on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of her bail.

The petition is allowed accordingly.

(DEEPAK MANCHANDA)
JUDGE

10.05.2023
seema/Ajay

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No