

CRM-M-28037-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-28037-2022

Date of decision: 17.01.2023

Rani Kaur

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. P.S.Sekhon, Advocate,
for the petitioner.

Ms. Ishma Randhawa, Additional AG Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioner seeks regular bail in case FIR No.144 dated 05.07.2020, registered at Police Station Sadar Tohana, District Fatehabad, under Sections 22-B and 27-A NDPS Act, 1985.

Learned counsel for the petitioner contends that the petitioner, who has three children to look after, has falsely been implicated in the present case; that no recovery was effected from the petitioner, and that the petitioner has been indicted in the present case on the disclosure statement of co-accused, Gurmail Singh from whom recovery of contraband had been effected.

Learned counsel for the petitioner contends that the extent of contraband allegedly recovered from the co-accused, falls under the non-commercial quantity; that the co-accused has since been granted the concession of regular bail, vide order dated 25.08.2021 passed by this

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Court in CRM-M-9728-2021 and that the petitioner has been in custody since 13.08.2020. So far as two other cases registered or pending against the petitioner, under the NDPS Act, are concerned, she has been acquitted in one case whereas she has been released on bail in another case.

On the other hand, learned State counsel, while opposing the grant of bail to the petitioner, submits that there are allegations against the petitioner that she had supplied contraband to the co-accused. Learned State counsel further submits that the petitioner is a habitual offender and that there are other cases registered or pending against the petitioner, under the NDPS Act.

I have heard the learned counsel for the parties.

The petitioner was not named in the FIR but has been indicted on the disclosure statement of the co-accused from whom recovery of contraband had been effected. No recovery had been effected from the petitioner. The extent of contraband allegedly recovered from the co-accused, falls under the non-commercial quantity. As stated above, the co-accused has since been granted the concession of regular bail. So far as other cases registered or pending against the petitioner, under the NDPS Act, are concerned, she has been acquitted in one case whereas she has been released on bail in another case.

The petitioner has been in custody since 13.08.2020. The prosecution witnesses are yet to be examined. Trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the

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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.

17.01.2023
parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No