

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

223

CRM-M-30308-2023 (O&M)

Date of decision: 28.08.2023

Rekha

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Ram Pal Verma, Advocate for the petitioner

Mr. Baljinder Singh Virk, Sr. DAG, Haryana

AMAN CHAUDHARY, J.

1. Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.278 dated 16.08.2021, registered under Sections 20C-61-85 of NDPS Act, at Police Station Sadar, Hansi, District Hansi (Hisar).

2. Learned counsel contends that the petitioner is in custody for last about 7 months. Her name surfaced based on the disclosure statement of co-accused from whom recovery effected is marginally above the non-commercial quantity, it being 20 kgs. 500 g. No recovery has been effected from her. She is not involved in any other case under the NDPS Act. Co-accused has been granted anticipatory bail by this Court vide order dated 18.02.2022, Annexure P1. Charges stand framed on 27.07.2023 and no prosecution witnesses has been examined, who are 13 in number. He relies on the order passed by Co-ordinate Bench of this Court in **Sandeep Kumar @ Gogi vs. State of Haryana** in CRM-M-24505-2022 decided on 07.12.2022, wherein also the petitioner was implicated on the basis of disclosure statement, no recovery had been effected from him, he was involved in

one more case under the NDPS Act. Reliance is also placed on **Amritpal Singh vs. State of Punjab**, 2022(3) Law Herald 1996 and **Gurpreet Singh @ Gopi vs. State of Punjab**, 2020(2) RCR (Criminal) 486.

3. The custody certificate dated 27.08.2023, filed by learned State counsel is taken on record, as per which, the petitioner is behind bars for 6 months and 23 days.

4. Learned State counsel opposes the bail on the ground that from co-accused of the petitioner 20 kgs and 500 g. of ganja was recovered. He is however unable to controvert the submissions made regarding the stage of the trial, petitioner not being involved in any other case under NDPS Act, no recovery having been effected from her and co-accused has been granted bail.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 6 months and 23 days; not involved in any other case under NDPS Act; her name surfaced based on disclosure statement of co-accused; no recovery has been effected from her; co-accused has been granted anticipatory bail; charges were framed on 27.07.2023 and none out of 13 prosecution witnesses, has been examined so far; the trial is likely to take a considerable time, thus her further incarceration would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

(i) The petitioner will not tamper with the evidence during

the trial.

- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse her liberty.
- (vii) The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

28.08.2023
ashok

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