

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

224

CRM-M-34625-2023 (O&M)

Date of decision: 25.07.2023

Shikha Jha

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kamal Chaudhary, Advocate for the petitioner

Mr. Dhruv Sihag, AAG 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 case FIR No.07 dated 03.01.2023, registered under Sections 21(b) and 29 of NDPS Act, at Police Station Surajkund, District Faridabad.

2. Learned counsel contends that the petitioner is in custody for the last more than 6 months. The non-commercial quantity of contraband has been recovered from the petitioner, it being 76 grams of heroin. Charges have been framed on 20.04.2023, however, out of 15 prosecution witnesses, none have been examined. She is not involved in any other case.

3. Learned State counsel opposes the bail on the ground that the petitioner was apprehended at the spot and the contraband in question was recovered from her. He is however unable to controvert the submissions with regard to custody, stage of case, and the petitioner not being involved in any other

case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last about 6 months; is not involved in any other case; non-commercial quantity of contraband has been recovered from her, therefore, rigors of Section 37 of NDPS Act are not attracted in the present case; charges stand framed on 20.04.2023, however, out of 15 prosecution witnesses, none have yet been examined, 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.

6. 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 his 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.

7. 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.

8. 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

July 25, 2023
M.Kamra

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