

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-47665-2023

Date of decision: 05.10.2023

Bano Devi

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. G.C. Shahpuri, Advocate
for the petitioner.

Mr. Rahul Mohan, Sr. DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.133 dated 12.06.2023 under Sections 332, 353, 333, 307, 506, 34 of the IPC and Sections 21(b) of the NDPS Act (Section 27-A of the NDPS Act and 120-B of the IPC added lateron) registered at Police Station Radaur, District Yamuna Nagar.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been in custody since 19.06.2023 in a case of false implication. He submits that as per the admitted case of the prosecution, the petitioner, who is a lady, was not present with the co-accused from whom recovery of 6.40 grams of smack (non-commercial) was effected. He submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement suffered by co-accused, who is none other than the petitioner's son. Learned counsel submits that though

investigation in the case in hand is complete and challan has also been presented but charges have not yet been framed, hence, the trial would take considerable time to conclude.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from SI Jasbir, has not disputed that no recovery of any contraband much less smack was effected from the petitioner on her arrest. However, he submits that the petitioner was nominated as an accused by co-accused Anil, who stated that the contraband had been supplied to him by the petitioner. It has also been submitted that the petitioner is involved in another case under the NDPS Act wherein also she was nominated as an accused on the basis of a disclosure statement and the recovery effected therein was also of small quantity.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The trial is unlikely to conclude in the near future as not only charges have not been framed but as many as 20 prosecution witnesses have been cited. In the facts and circumstances and the nature of allegations levelled against the petitioner, this Court deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the

concession of bail granted to him, the State would be at liberty to seek
cancellation of the same.

05.10.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No