

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-53269-2022
Date of decision: 10.05.2023

Laxmi

....Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Raj Kumar Rana, Advocate
for the petitioner
Mr. Praveen Bhadu, AAG, Haryana

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case of FIR No. 68 dated 07.03.2017, registered under Sections 20 and 29 of the NDPS Act at Police Station Parao, District Ambala.
2. Learned counsel contends that the petitioner who is 35 years old has been in custody for the last about 8 and a half months. Her name had surfaced based on the disclosure statement of the co-accused Jitender Singh, from whom charas was recovered. He relies on the judgment passed by Hon'ble The Supreme Court in the case of **Tofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (CrI.)
1. He further submits that the said co-accused Jitender Singh had been in custody

for 2 years, 5 months and 22 days and on conviction vide judgment dated 02.09.2019, was sentenced to the period already undergone. Charges have not been framed against the petitioner and in all, there are 19 prosecution witnesses. She is not involved in any other case. As per the averments made in para 5 of the petition, she has 3 minor children including a daughter who require to be looked after, as even her husband had died about 8 years ago and she was thrown out of her matrimonial home.

3. Learned State counsel opposes the bail on the ground that the petitioner was specifically named by the co-accused Jitender from whom the contraband was recovered. However, he is unable to controvert the submissions with regard to the custody, stage of the case and the petitioner being not involved in any other case.

4. Heard.

5. In view of the facts and circumstances of the case particularly that the petitioner has been in custody for the last 8 and a half months; she is not involved in any other case; charges have not been framed and in all, there are 19 prosecution witnesses; the trial is likely to take considerable time, her incarceration would not serve any useful purpose, thus 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:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/intimidate the prosecution

witnesses.

- 3. The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- 4. 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.
- 5. 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.
- 6. The petitioner shall not in any manner misuse her liberty.
- 7. 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.
- 8. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

7. It is made clear that in case of any infraction of any 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 above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

10.05.2023

Mehak

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