

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-59874-2022

Date of Decision: 20.02.2023

Seema Rani

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. PKS Phoolka, Advocate for the petitioner.

Mr. Jaspal Singh Guru,
Assistant Advocate General, Punjab.

ASHOK KUMAR VERMA, J. (ORAL)

Reply dated 18.02.2023 by way of affidavit of Sh. Vishvajeet Singh Mann, Deputy Superintendent of Police, City-1, Bathinda and custody certificate dated 18.02.2023, filed on behalf of respondent-State, are taken on record.

The petitioner has filed the present petition under Section 439 Cr.P.C., for grant of regular bail in case FIR No. 0200 dated 22.11.2022 registered under Sections 308 and 120-B read with Section 34 IPC at Police Station Kotwali, Bathinda, District Bathinda.

As per prosecution story, the aforesaid FIR was registered on the basis of statement suffered by Telu Ram alleging therein that he has two sons. Eldest son is Arsh Garg aged around 19 years and younger son-Tanih Garg, aged around 12 years. On 20.11.2022, his eldest son-Arsh Garg was present along with him in the house. At around

6:00 P.M., Arsh Garg left the home by saying that he want to visit his Bhua-Nisha at Brila Mill Colony, Bathinda. Thereafter, in the midnight at about 12:00 O'clock, he received a telephone call from his sister Nisha, informing that the health of Arsh Garg had deteriorated whereupon the complainant along with his family went to the house of his sister and when he inquired of Arsh Garg as to what happened then he disclosed that when he left the house, then petitioner-Seema Rani, asked him as to why he was walking slowly whereupon his son told her that his health was not good and then Seema Rani told his son that he would set right his health in five minutes and invited him inside her house. Seema Rani, injected the injection of Heroin/chitta into the body of Arsh Garg. After receiving the shot/injection, Arsh Garg fell extremely intoxicated and his health started deteriorating. Thereafter, Telu Ram got admitted his son in Delhi Heart Institute, Bathinda, where Arsh Garg is under treatment. Telu Ram, on inquiry, found that Seema Rani along with other members of her family, is in the business of drug trafficking.

Learned counsel for the petitioner, *inter alia*, contends that the petitioner has falsely been implicated in the instant case. She is a household lady and has no concern whatsoever with any drug business. There is unexplained delay of 2 days in lodging the FIR as the alleged occurrence took place on 20.11.2022 whereas the FIR was registered on 22.11.2022. She is not involved in any other case. The petitioner is in custody since 22.11.2022. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, she may be released on regular bail.

On the other hand, learned State counsel has vehemently opposed the prayer for grant of regular bail to the petitioner. However, he fairly admits that petitioner is not involved in any other case.

Keeping in view the facts and circumstances of the case, nature of accusation, custody period of the petitioner, non-involvement of petitioner in any other case and the fact that the trial is likely to take long time, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

Therefore, the petition is allowed and petitioner-Seema Rani, is ordered to be released on regular bail on furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

February 20, 2023
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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No