

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7175-2023
DECIDED ON: 19.01.2024

POORNIMA BISWAS @ PURNIMA BISWAS @ SANA KHAN
.....PETITIONER

VERSUS

STATE OF HARYANA
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Pankaj Nanhera, Advocate and
Mr. Rahul Gautam, Advocate
for the petitioner.

Mr. Gurbir Singh Dhillon, AAG Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 439 Cr.P.C., seeking regular bail to the petitioner in FIR No.267, dated 12.05.2022, under Section 22(c) of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Mujessar, District Faridabad.
2. Learned counsel for the petitioner contends that the petitioner has nothing to do with the offence in question and she has been falsely implicated in the present case. He asserts that the provisions of Section 50 of NDPS Act was not complied with in letter and spirit. He further submits that co-accused namely Deepak has already been granted the concession of regular bail vide order dated 10.01.2023 passed by a co-ordinate Bench of this Court in CRM-M-55599-2022.
3. Learned State counsel has filed the custody certificate of the petitioner, which is taken on record. According to the custody certificate, the petitioner is

behind the bars for the last 1 year, 8 months and 6 days and is not involved in any other case of any nature.

4. Be that as it may, considering the fact that the custody period suffered by the petitioner is 1 year, 8 months and 6 days, wherein challan stands presented meaning thereby investigation is complete and after framing of charges on 04.02.2023, out of total 21 prosecution witnesses, only 4 has been examined so far, which is suffice to convince this Court that trial is likely to take long time, which would amount to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India added with the fact that the petitioner is a person of clean antecedents, as he is not involved in any other case.

5. In light of above discussions made hereinabove, the petitioner is directed to be released on regular bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

6. The present petition is, hereby, allowed.

7. However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

19.01.2024

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>