

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-21200-2024
Date of decision:11.09.2024

RashmiPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. D.N. Ganeriwala, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.
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SANJIV BERRY, J. (ORAL)

Custody certificate dated 09.09.2024 along with status report dated 07.09.2024, filed in the form of affidavit of Deputy Superintendent of Police, HSNCB, Rohtak, on behalf of State-respondent, are taken on record. Copies thereof have been supplied to learned counsel for the petitioner.

2. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
55	17.09.2023	18-B of the NDPS Act (29 of the NDPS Act added lateron)	GRP Gurugram.



3. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner happens to be a girl aged 18 years and a student of senior secondary class. He contends that the petitioner is not having any concern with the co-accused, namely Happu Ram, from whom recovery of contraband was effected. He contends that the petitioner is in custody since 17.09.2023 and challan in this case has already been presented in the Court. Hence, prays for grant of bail to the petitioner.

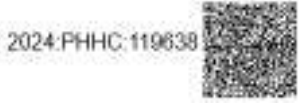
4. *Per contra*, learned State counsel, referring to the status report (*supra*) and, on instructions received from SI Jaivir, present in Court has assailed these arguments, however, he has admitted the fact that no recovery has been effected from the petitioner in this case. He has also admitted that the petitioner is not having any other criminal antecedents.

5. Considering the respective arguments and perusing the record, it transpires that as per the story of the prosecution, the petitioner along with Happu Ram were apprehended by the police party on 16.09.2023 and from the possession of the co-accused, namely Happu Ram, recovery of 4.4 kgs of *opium*, in a bag carried by him, was effected. Admittedly, the petitioner is in custody since 17.09.2023 and was granted interim bail for the purpose of her appearance in the



examination from 21.06.2024 to 26.07.2024. It is specifically mentioned in the reply submitted by the State and admitted by the Investigating Officer, present in Court, that no recovery has been effected from the petitioner nor she is involved in any other case under the NDPS Act and that the recovery of contraband was effected from the person of Happu Ram, who was keeping the contraband in a bag carried by him. After completion of investigation, challan has already been presented in the Court, wherein, the prosecution has cited 23 witnesses. The conclusion of trial to ascertain the criminal liability in the present case will take sufficient long time and no purpose would be served in detaining the petitioner in custody any longer to face the incarceration till the conclusion of trial. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on her furnishing surety bonds/bail bonds to the satisfaction of learned Trial Court/Duty Magistrate/Judge on Duty.

6. The petitioner shall give the undertaking that she will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, she will seek prior permission of the concerned Court qua her exemption to appear on the date fixed and she will not tamper with evidence of prosecution in any manner.



7. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after her release on bail, it will be open for the prosecution to move an application for cancellation of her bail in accordance with the law. However, anything observed here-in-above shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

8. Petition stands allowed.

11.09.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |