



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-27078-2024
Date of decision: 05.06.2024

BimlaPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Saurabh Sheoran, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.
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SANJIV BERRY, J. (ORAL)

Custody certificate dated 03.06.2024 filed by learned State
counsel is taken on record.

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	Section	Police Station
71	15.03.2024	21(b) of the NDPS Act	Bawani Khera, District Bhiwani

3. It is, *inter alia*, contended by learned counsel for the
petitioner that the petitioner is 69 years old lady having no criminal
antecedents and has been falsely implicated in this case. He contends
that even otherwise recovery alleged to have been effected from the



petitioner is marginally higher than the smaller quantity and the challan has already been presented in the Court. As Such, he prays for grant of regular bail.

4. *Per contra*, learned State counsel, has submitted that recovery of *10.9 grams* of heroin had been effected from the petitioner upon her apprehension and after completion of investigation, challan has been presented in the Court and even charges have been framed. He submits that the prosecution has cited 14 witnesses and also admits that as per record, the petitioner is not having any other criminal case registered against her.

5. Assailing the respective submissions and perusing the record, it transpires that as per the case of the prosecution, the police party headed by ASI Rajesh Kumar, had apprehended the petitioner on 15.03.2024 on the basis of secret information and recovery of *10.9 grams* of heroin was effected from her and since then she is in custody. Admittedly, there is no other criminal case registered against the petitioner and she is a lady aged about 69 years; challan in this case has already been presented and the petitioner is no more required for further investigation. Moreover, the prosecution has cited 14 witnesses and it will take sufficient long time for the learned Trial Court to examine those witnesses. Considering the age and antecedents of the petitioner, no purpose would be served in keeping 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.

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 learned 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.

8. However, anything observed hereinabove 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.

9. Petition stands allowed.

(SANJIV BERRY)
JUDGE

05.06.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |