

2024:PHHC 092368



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.214

**CRM-M-33842-2024(O&M)
Date of decision : 23.07.2024**

Asha Devi

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vimal K. Gupta, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

By way of present petition filed under Section 439 Cr.P.C. prayer has been made for grant of regular bail to the petitioner in case FIR No.113 dated 22.04.2024 under Section 21 (b) (ii) (B) of NDPS Act, registered at Police Station Sector 14, Gurugram.

2. Learned counsel for the petitioner *inter alia* submits that allegedly, there was a recovery of 5 kg. 600 grams of *ganja* from the petitioner. He further submits that the petitioner has been falsely implicated in this case and there has been violation of Section 50 of the NDPS Act. The petitioner is involved in four other criminal cases, however, she is on bail in all those cases as all the cases are of non-commercial quantity. Thus, the petitioner may be granted the concession of regular bail.

3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As

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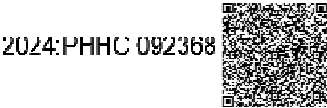
months and 27 days and there are four other cases registered against her under the NDPS Act, however, being non-commercial quantities, she is on bail in all cases. He on instructions from the concerned investigation officer submits that charges have been framed on 02.07.2024. The next date of hearing before the learned trial Court is 19.09.2024. He also submits that out of a total of 15 prosecution witnesses, none has been examined till date. He however, submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

4. Heard.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has been in custody for 02 months and 27 days. Charges have been framed and however, none of the prosecution witness have been examined. Therefore, this Court is of the view that incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on her furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.



(IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.

(V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

23.07.2024

Ramandeep Singh

Whether speaking / reasoned

Whether Reportable

Yes/No

Yes/No