



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

238

CRM-M-40607-2024

Date of decision: 18.09.2024

Rupinder Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vikas Bishnoi, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.374 dated 17.09.2016 under Sections 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bhuna, District Fatehabad (Section 21 of the NDPS Act deleted and Section 21(b) of the NDPS Act added lateron).

2. Learned counsel for the petitioner submits that the petitioner was allegedly apprehended with 32 grams of heroin on suspicion. It has been contended that even though the FIR in question was registered way back on 17.09.2016, however, the trial has not concluded till date, hence, the petitioner deserves to be enlarged on bail, moreso when the recovery allegedly effected from the petitioner has been classified as non-commercial under the NDPS Act. Learned



CRM-M-40607-2024

-2-

counsel has still further submitted that only 06 prosecution witnesses have been examined so far out of the 12 cited, hence, there is no possibility of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions, has submitted that the delay in the conclusion of the trial is attributable to the petitioner only; after she was extended the concession of bail on 16.11.2016, she had absconded and was then declared a proclaimed offender; an FIR under Section 174A of the IPC was also registered against her in which she was convicted and has served out her sentence. It has also been submitted by the learned State counsel that the petitioner is involved in one more case under the NDPS Act wherein also the recovery effected was of 30 grams of smack. It has been further submitted that the petitioner was booked in the second case under the NDPS Act during the period when she absconded in the instant case. Learned State counsel, however, has not disputed the stage of trial and has submitted that the next date fixed before the learned Trial Court is 27.09.2024, when some more witnesses have been summoned by the learned Trial Court to depose.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. After the petitioner was re-arrested on 14.01.2021, the trial has not made much headway as 06 prosecution witnesses still remain to be examined. The recovery of contraband allegedly effected from the petitioner has been classified as non-commercial under the NDPS Act.

This Court, in the aforementioned facts and circumstances and in the light of the quantity of the contraband allegedly effected, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

18.09.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No