

2025.PHHC.008633



226.

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

CRM-M-15051-2024 (O&M)

Date of decision: 21.01.2025

Leena Sharma

....Petitioner

Versus

Union of India

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Yashpal Thakur, Advocate and
Mr. H.S. Sandhu, Advocate, for the petitioner.

Ms. Puneeta Sethi, Senior Panel Counsel for UOI with
Mr. Yashoodev Singh Thakur, Advocate,
for respondent-UOI.

MANJARI NEHRU KAUL, J. (ORAL)

This is third petition that has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in NCB crime No.43, dated 18.06.2022, under Sections 8, 20, 29, and 60 of NDPS Act, 1985, registered at Police Station NCB, Chandigarh.

Learned counsel for the petitioner submits that indeed, this is the third time when the petitioner, who is a lady, has approached this Court seeking the concession of bail, however, it is on account of the fact that she has two minor children, who were till recently being taken care of by her mother-in-law, however, her mother-in-law has been diagnosed with cancer and hence, she has a good case for being extended the concession of bail in the aforementioned facts and circumstances. It has been further submitted

that even otherwise as per the case of the prosecution, secret information was received qua the husband of the petitioner indulging in drug trafficking, however, no such secret information was received qua the petitioner; the petitioner has no previous criminal antecedents, much less ever being booked under any case under the NDPS Act. Learned counsel has further submitted that the car in which a cavity had allegedly been created and from which, recovery of 3.625 kgs of *charas* thereafter effected, was not even registered in the name of the petitioner. Learned counsel, therefore, prays that a lenient view be taken and the petitioner, who is genuinely concerned about the welfare of her two minor children, coupled with the fact that she and her husband, co-accused, Varun Sharma, are both inside the jail, the concession of bail be extended to her as she has been in custody since 18.06.2022 and there is no possibility of the trial concluding in the near future.

Per contra, learned counsel appearing on behalf of respondent-NCB while opposing the prayer and submissions made by the counsel opposite, has not disputed the custody period of the petitioner nor has she, on instructions, disputed that only 06 prosecution witnesses out of 16 cited have been examined till date. However, it has been submitted that initially, challan was presented on 15.12.2022 and thereafter, a supplementary challan was presented on 27.10.2023 against one of the co-accused, which had delayed the trial. It was only on 09.01.2024 that charges were framed in the present case.

On a pointed query, learned standing counsel for the NCB has not controverted that no secret information had been received with respect to the involvement of the petitioner in drug trafficking and the secret information had been received only against her husband, co-accused, Varun Sharma, who is still in custody. It has, however, been submitted that although the car from which the alleged recovery was made, was not in the name of the petitioner but it was in the name of none other than her cousin.

Learned standing counsel for the NCB has, however, feigned ignorance about the medical condition of the mother-in-law of the petitioner who is stated to be taking care of her two minor children. Learned counsel has reiterated that a huge recovery of 3.625 kgs of *charas* was effected from the cavity which had been created in the car in which the petitioner along with her husband was travelling when they were intercepted by the police. It has been asserted that it cannot be digested that the petitioner would have been unaware about the cavity created in the car.

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

The petitioner, who is a lady with two small children, has been in custody since 18.06.2022; she is not stated to be involved in any other criminal case, much less a case under the NDPS Act. Even as per the case of the prosecution, no secret information was received qua her involvement in drug trafficking, although secret information was against her husband, co-accused Varun Sharma, who is still in custody.

In the facts and circumstances as enumerated hereinabove, this Court, therefore, deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and 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.

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.

(MANJARI NEHRU KAUL)
JUDGE

January 21, 2025
sanjeev

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No