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

CRM-M-32502-2025

Date of Decision: 24.07.2025

Kiran w/o Sh. Raj Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Kiran Bala Jain, Advocate with
Ms. Anjali Rani, Advocate
for the petitioner.

Mr. Dhurv Dayal, Additional Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to her in case FIR No.336 dated 06.10.2024 registered under Sections 22 and 29 of NDPS Act, at Police Station Baldev Nagar, District Ambala.
2. As per the case set up by the prosecution, Jitender Sharma @ Johny, co-accused was apprehended by the police, while he was carrying 1440 capsules of Spasmo Proxyvon Plus, without any permit or licence.
3. During the course of investigation, Jitender Sharma @ Johny is stated to have suffered a disclosure statement that the said contraband was supplied to him by the petitioner. She further contends that the petitioner was arrested in the present case on 06.10.2024 and is in custody for the last about more than 09 months. She further contends that only 2 witnesses, out of total 18 witnesses have been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that 04 more cases were ordered to be registered against the petitioner and she is a habitual offender. Thus, the petition deserves to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. No doubt, four more criminal cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. In the present case, the petitioner is stated to be in custody for the last more than 09 months and the conclusion of the trial may take quite a long time.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to the following conditions:-

(i) *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 her to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent herself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.

(v) The petitioner shall also file her affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(N.S.SHEKHAWAT)
JUDGE

24.07.2025
hemlata

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