



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

CRM-M-52836-2024
Date of decision: 23.01.2025

Ompati

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Jaswant Singh, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 528 of BNSS, 2023 seeking grant of regular bail in case having FIR No.290 dated 30.05.2023 registered under Sections 20(c), 61, 85 of NDPS Act at Police Station Naraingarh, District Ambala.

2. The allegations in nutshell are that petitioner and one Rahul were arrested by the police while they were transporting 39.730 kg of *ganja* on 30.05.2023.

3. The counsel appearing on behalf of the petitioner *inter alia* submits that the petitioner is falsely implicated in the present case and is behind bars for last more than 1 year and 7 months and is having no criminal antecedents. It will take time for the trial to conclude. So, prayer is made that the petitioner a widow aged about 77 years be released on regular bail, pending trial.

4. The present petition is resisted by the State counsel who



submits that petitioner and Rahul were arrested by the police and 39.730 kg of *ganja* was recovered from their possession and the said *ganja* comes under commercial quantity and thus, is covered by rigors of Section 37 NDPS Act. However, the State counsel has not disputed the fact that petitioner is in custody for the last more than 1 year and 7 months and trial will commence only after the framing of charges.

5. Admittedly, the petitioner a widow aged more than 70 years has undergone custody for a period of more than 1 year and 7 months and is not involved in any other criminal case and the trial being at its initial stage is not going to terminate in the near future. The delay in trial is not attributed to the present petitioner in any manner. The concept of speedy trial is amalgamated into the Article 21 of the Constitution of India, as an essential part of the fundamental right to life and liberty, guaranteed and preserved under our Constitution.

6. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.01.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No