

Meena and Saroj Vs. State - 1-

Presented on : 31.5.2021
Registered on : 31.5.2021/7.6.2021
Decided on : 8.6.2021
Duration : 9 days
CIS No.1064 of 2021
CNR No.HRR-H01-004494-2021

**IN THE COURT OF
Additional District and Sessions Judge
AT, Rohtak
(Presided Over by Sh. Naresh Kumar)
BA/190/2021.**

Meena wife of Pyare Lal, resident of Rainapura, Kokrakot, District, Rohtak.

-----Petitioner.

Versus

State of Haryana

----Respondent

2nd connected bail application/194/2021.

Presented on: 31.5.2021
Registered on : 31.5.2021/7.6.2021
Decided on : 8.6.2021
Duration : 9 days
CIS No.1065 of 2021
CNR No.HRR-H01-004493-2021.

Saroj wife of Surender, resident of Rainapura, Kokrakot, District Rohtak.

-----Petitioner.

Versus

State of Haryana

----Respondent

FIR No.198, dated 31.3.2021.
Under Sections: 21/60 of NDPS Act.
Police Station: City Rohtak.

1st Application for bail under Section 439 Cr. P.C.

Argued by:

Mr. Kulvinder Singh, counsel for the petitioners.
Ms. Renu, Public Prosecutor for the respondent-
State.

ORDER:

I propose to decide the above mentioned two regular bail applications i.e. bail application No.190 of 2021 titled 'Meena Vs. State' and bail application No.194 of 2021 titled Saroj Vs. State' arising out of FIR No.198, dated 31.3.2021 under Section 21/60 of NDPS Act registered at Police Station, City Rohtak.

2. Notice given. Reply filed.

3. Heard both sides.

4. Learned counsel for petitioners is seeking regular bail on the grounds, that co-accused Meena alias Peena has been granted the concession of regular bail by the Court of Shri R.K.Yadav, learned Addl. Sessions Judge, Rohtak, vide order, dated 28.5.2021. The petitioners have been falsely framed. The recovery is of non-commercial quantity. The petitioners are incarcerating since 31.3.2021. The trial will take a long time for decision. No useful purpose would be served by detaining the petitioners behind the bars.

5. Learned Public Prosecutor for the State opposed the

bail matters on the grounds of seriousness of the offence by stating that the petitioners were found in their conscious possession 110 grams heroin, each, when they were coming in a WagonR Car bearing registration No.HR-63C-1624 alongwith two other persons, being driven by its driver. When the said car was searched by the police party on the basis of suspicion, they were enquired. They have disclosed their respective names as petitioners alongwith Meena alias Peena and Krishan. The petitioners were arrested alongwith other co-accused. On its basis, a formal FIR was registered. There is no justification to grant regular bail to the petitioners.

6. Having considered the contentions of learned counsel for petitioners and Public Prosecutor for the State and I reached to the findings, the co-accused Meena alias Peena has been granted the concession of bail by the Court of Shri R.K.Yadav, learned Addl. Sessions Judge, Rohtak, vide order, dated 28.5.2021. The case of the petitioners are on the same footing. No doubt, a case FIR No.18, dated 12.2.2015, under Sections 457, 380 IPC, Police Station, Sahlawas, District Jhajjar, is lying registered against petitioner-Meena wife of Pyare Lal, but no record on the file, whether the petitioner-Meena has been held guilty and it can not be said the petitioner-Meena is a previous convict. The contention raised by learned Public Prosecutor for

the state that if the petitioners are enlarged on bail, then, they may flee from justice, but this Court is of the view that if the petitioners will do so, then, law will take its own course. Since, the recovery is non-commercial quantity and they are incarcerating since 31.3.2021. It is yet to be held whether the petitioners are guilty or not, in which some reasonable time may be taken. No useful purpose will be served by detaining the petitioners behind the bars and therefore, without touching on the merits of the case, the petitioners are hereby ordered to be admitted to bail on furnishing their respective bail bonds and surety bonds in the sum of Rs.2,00,000/- each with one surety each in the like amount to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate. A copy of this order be placed in the connected bail application file. Files be consigned to the record room after due compliance.

Pronounced in open Court on:
this day of 8th June 2021.

“Harish Kumar”

(Naresh Kumar),
Additional Sessions Judge,
POCSO Court, Rohtak.
(UID No.HR-0064)

Certified that this order contains four pages
which have been checked and signed by me.

(Naresh Kumar),
Additional Sessions Judge,
POCSO Court, Rohtak.

Argued by:

Mr. Kulvinder Singh, counsel for the petitioners.

Ms. Renu, Public Prosecutor for the respondent-State.

Arguments heard. Vide my separate order of even date, the bail application filed on behalf of the petitioners have been allowed in terms of the order. File be consigned to the record room after due compliance.

Pronounced in open Court on:
this day of 8th June, 2021.

“Harish Kumar”

(Naresh Kumar),
Additional Sessions Judge,
POCSO Court, Rohtak.