

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

(225)

CRM-M-37804-2015

Decided on: January 07, 2016.

Jaswinder Kaur

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Kushaldeep S. Sandhu, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

M.M.S. BEDI, J (ORAL)

On the basis of secret information containing the name of petitioner and her co-accused Sohan Lal and Kiran Kaur, an FIR was registered under Section 21 of the NDPS Act whereas no recovery had been effected. Subsequently, the petitioner was alleged to have been found in possession of 245 grams of heroin. At the time of presentation of challan, co-accused of the petitioner Sohan Lal is shown to have been found in possession of 245 grams of heroin whereas the petitioner was allegedly found in possession of 900 grams of heroin.

Learned State counsel has tried to explain that it was a clerical mistake.

Without expression of any opinion on merits of the case, it is sufficient to observe here that the petitioner is a lady and the FIR was registered under Section 21 of the NDPS Act before any recovery could be

effected, solely on the basis of secret information. The culpability of the petitioner will certainly be a debatable issue.

Petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(M.M.S. BEDI)
JUDGE

January 07, 2016
harsha