

CRM-M-39824-2016

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

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Date of Decision: 14.02.2017

Kavita

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Subhash Godara, Advocate,
for the petitioner.

Mr. B.S.Virk, DAG, Haryana.

INDERJIT SINGH, J.

Petitioner-Kavita has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.915 dated 08.10.2016, registered at Police Station City Hisar, District Hisar, under Sections 21-C and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per the FIR, one Pintu Kumar

was apprehended with 600 grams of heroin. As per the prosecution version,

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accused-Pintu Kumar has made disclosure statement that he was going to deliver the contraband to the present petitioner.

In pursuance of the order dated 17.11.2016 passed by this Court, the petitioner has already joined the investigation and nothing has been recovered from her.

At the time of arguments, learned State counsel fairly admitted that except the disclosure statement of co-accused and the fact that the petitioner rang up some persons in Uttar Pradesh on that day, there is no other evidence to connect the petitioner with the crime.

Learned counsel for the petitioner submitted that disclosure statement given by co-accused to the police is inadmissible in evidence. The co-accused has not to appear as prosecution witness against the present petitioner. He also argued that there is no cogent evidence to connect the petitioner with the crime.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details; without expressing any opinion on the merits of the case and in view of the fact that main allegation against the present petitioner, who is a lady, is the disclosure statement of co-accused which is inadmissible in evidence, I find merit in this petition and the same is allowed. The order dated 17.11.2016, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

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However, nothing above in any way will constitute my opinion
on the merits of the case.

14.02.2017
parveen kumar

(INDERJIT SINGH)
JUDGE

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