

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13864-2019 (O&M)

Date of Decision:- 24.5.2019

Manjit Kaur @ Mita

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Naveen Sharma, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.173 dated 1.7.2018, Police Station Phillaur, District Jalandhar Rural, under Section 21 of NDPS Act.
2. The FIR was came to be lodged pursuant to a secret information to the police to the effect that Kamaljit and her son Gurmukh indulged in sale of 'heroin' and that if a raid is conducted, huge quantity of 'heroin' can be recovered from them. Pursuant to the receipt of said information, raid was conducted but accused Kamaljit and Gurmukh managed to flee while throwing a bag containing 400 grams of 'heroin' and currency of ₹ 2 lacs. Subsequently, Kamaljit was arrested on 4.7.2018 and during the course of interrogation, she

suffered a disclosure statement leading to the recovery of ₹ 6 lacs from her house, stated to be sale proceeds of 'heroin'. It is further the case of the prosecution that on 6.7.2018, Kamaljit made another disclosure statement wherein she stated that she and her son purchased 500 grams 'heroin' from Deepa Bhammni S/o Rajnish Kumar and Meeta W/o Bittu. Pursuant to the said disclosure statement, petitioner Manjit Kaur @ Mita w/o Santokh was arrested and is in judicial custody since 6.7.2018. However, no recovery was effected from her.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case solely on the basis of the disclosure statement made by co-accused and that in any case, even at the time of arrest no contraband was recovered from the petitioner and in these circumstances, the petitioner cannot be said to be involved in any manner.
4. Opposing the petition, the learned State counsel has submitted that since co-accused has specifically named the petitioner, her complicity is evident. It has also been informed that the petitioner is involved in two more cases of NDPS Act.
5. Having considered rival submissions addressed before this Court and bearing in mind the fact that the petitioner has been nominated as an accused only on the basis of disclosure statement of co-accused, the admissibility and veracity of which is yet to be tested during the course of trial and also that the petitioner has been behind bars since the last about 9 months and till date only 3 prosecution witnesses, out

of 13 cited PWs, have been examined, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and petitioner Manjit Kaur @ Mita is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

6. The present petition stands accepted accordingly

May 24, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No