

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH
Sr. No.: 232

Criminal Miscellaneous No.29213 of 2019 (O & M)
Date of Decision: July 23, 2019

Kamaljit

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

. . .

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

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

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Gurvinder Singh Gill, J (Oral)

The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.173 dated 01.07.2018 registered at Police Station Phillaur, District Jalandhar Rural under Section 21(C) of the Narcotics Drugs & Psychotropic Substances Act, 1985.

The FIR was registered on the basis of a secret information to the effect that petitioner Kamaljit and her son Gurmukh Singh are into business of selling 'Heroin' and that they had brought a consignment of 'Heroin' a few days back, out of which a part has been sold while they are still possessing a part of the same. Pursuant to receipt of the aforesaid information, a raid was conducted and petitioner alongwith her son were seen while going on a motorcycle. When the police challenged them, they threw the packet and ran away from the spot. The

search of the said bag thrown by the accused led to the recovery of 400 grams of 'Heroin' and ₹ 2 lac.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and that she was neither arrested at the spot nor any recovery was ever effected.

Opposing the petition, learned State counsel has informed that pursuant to arrest of the petitioner, an amount of ₹ 6 lac was also recovered from her house and that in these circumstances, the complicity of the petitioner is evident. It has however been informed that the petitioner has been behind bars for the last about 1 year and till date, not even a single PW has been examined out of the cited 13 PWs. It has also been informed by the learned State counsel, on instructions from ASI Jang Bahadur that although there are three other cases but none under the NDPS Act against the petitioner.

Having considered the rival submissions and while noticing that the petitioner had never arrested at the spot and not involved in any other case under the NDPS Act and not even a single PW has been examined, her further detention will not serve any useful purpose. The petition, as such, is accepted and petitioner Kamaljit wife of Karnail Singh is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands accepted accordingly.

July 23, 2019
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(Gurvinder Singh Gill)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No