

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

CRM-M-24872-2019 (O&M)

Date of Decision:- 27.2.2020

Rachel

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Shivam Grover, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.204, dated 24.10.2018, Police Station Cantonment Amritsar, under Section 21 of NDPS Act.
2. It is the case of prosecution that on 24.10.2018 during the course of patrolling the police came across two persons who were riding Activa Scooter bearing registration No.PB-02BH-5651. Upon search of the said persons 800 grams of 'Heroin' was recovered. During the course of interrogation the said persons disclosed that they had become

addicts and on the asking of Ashwani Kumar and Sanjeev Kumar had started dealing in sale of 'Heroin' and had purchased the same from the petitioner in Delhi.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that she is neither named in the FIR and that nor anything was recovered from her and is sought to be nominated as an accused solely on the basis of statement of co-accused Anil Kumar. It is further submitted that the petitioner in any case deserves the concession of bail on the ground of parity since all other accused including the main accused Anil Kumar from whose possession 800 grams of 'Heroin' was recovered have since been granted regular bail.
4. Opposing the petition, learned State counsel has submitted that since the co-accused has specifically named the petitioner, no case for grant of bail is made out more particularly since 400 grams of 'Heroin' has also been recovered from the petitioner. It has been informed that while 100 grams of 'Heroin' was recovered from the petitioner when he was apprehended, subsequently pursuant to her disclosure statement another 300 grams of 'Heroin' was recovered from her flat where she was residing.
5. I have considered rival submissions addressed before this Court. Keeping in view the fact that the petitioner was initially nominated as an accused on the basis of disclosure statement and has been behind bars since the last more than 1 year and 4 months and that all other co-accused including the main accused have already been granted

bail and that the petitioner is not stated to be involved in any other case, further detention of the petitioner will not serve any useful purpose. The petition, as such is accepted and it is ordered that petitioner be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

February 27, 2020

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No