

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

CRM-M-6929-2021 (O&M)

Date of Decision:- 18.2.2021

Parwinder Kaur @ Naina

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Shreya Vasishtha, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG Punjab
assisted by ASI Gurinder Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.62 dated 28.5.2020 under Sections 21/29/61/85 NDPS Act at Police Station Daba, District Ludhiana.
2. As per the case of prosecution on 28.5.2020, a police party headed by Inspector Pavittar Singh went to the house of one Harpreet Singh in connection with investigation of FIR No. 47 of 2020, under Section 307/34 IPC and Section 25 of Arms Act, P.S. Daba for the purpose of effecting recovery, pursuant to a statement made by Harpreet Singh under Section 27 of Evidence Act. It is further the case of prosecution that aforesaid Harpreet Singh on the basis of his statement got recovered 55 grams of intoxicating powder *Diphenoxylate Hydrochloride*.

3. During the course of interrogation, the aforesaid Harpreet Singh is alleged to have made a disclosure statement to the effect that his sister Parwinder Kaur @ Naina indulges in sale of drugs and is an addict herself and that it is she who had given the aforesaid contraband to him for sale.
4. Pursuant to the aforesaid disclosure statement, the petitioner Parwinder Kaur was arrested in the present case on 9.6.2020 and admitted that she had purchased 75 grams of intoxicant powder *Diphenoxylate Hydrochloride* out of which she had given 55 grams to Harpreet Singh for sale and had herself sold off the remaining 20 grams and had also consumed a part of it. It is further the case of prosecution that the aforesaid Parwinder Kaur further disclosed that she had kept some intoxicant powder in her house and pursuant to the said disclosure statement, she got recovered 8 grams of *Diphenoxylate Hydrochloride*.
5. The learned counsel for the petitioner has submitted that she has falsely been implicated in the instant case in order to pressurize her entire family as her brother had also been implicated by the police. It has further been submitted that the petitioner was never found in possession of any contraband and that the alleged recovery is stated to have been made on the basis of disclosure statement, the veracity of which would be debatable.
6. On the other hand, the learned State counsel has submitted that since 8 grams of intoxicant powder was recovered pursuant to disclosure statement made by the petitioner and infact the co-accused Harpreet Singh had categorically stated in his disclosure statement that it is the petitioner who had supplied 55 grams of *Diphenoxylate Hydrochloride* to him and since the petitioner is none else but his sister, the complicity of the petitioner is clearly

evident. The learned State counsel has further submitted that the petitioner also happens to be involved in one more case under NDPS Act. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 8 months and that challan already stands presented.

7. I have considered rival submissions addressed before this Court.
8. In the instant case, it is 8 grams of *Diphenoxylate Hydrochloride*, which is stated to have been recovered at the instance of the petitioner and which would fall in the category of 'non-commercial' quantity. It will be debatable as to whether the petitioner can be attributed conscious possession of the contraband which was recovered at the instance of his brother. The petitioner, in any case, has been behind bars since the last about 8 months and challan already stands presented.
9. Having regard to the aforesaid position, in my opinion no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

18.2.2021

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No