

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

CRM-M-14875-2021 (O&M)

Date of Decision:- 30.7.2021

Charanjit Kaur alias Charno

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Kumar Dhot, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Manjit Singh.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.45, dated 24.1.2021, Police Station City Barnala, under Sections 22 and 29 of NDPS Act.
2. The FIR in question was lodged on the basis of secret information received to the effect that Gurpreet Singh indulged in sale of intoxicant tablets. Pursuant to receipt of said information the police was able to nab Gurpreet Singh and from whose possession 700

intoxicant tablets were recovered which upon chemical analysis have been found to contain 'Tramadol'.

3. While the main accused Gurpreet Singh was apprehended on 24.1.2021, he subsequently suffered a disclosure statement to the effect that he had procured the said tablets from the petitioner Charanjit Kaur and in pursuance of which the petitioner came to be arrested on 26.1.2021. It is further the case of prosecution that on 29.1.2021, the petitioner made a disclosure statement and in pursuance of which she got recovered another 100 intoxicant tablets which had been buried in some common place.
4. Learned counsel for the petitioner has submitted that she has falsely been nominated on the basis of a disclosure statement which would hardly carry any evidentiary value. It has further been submitted that even the recovery of 100 tablets which are alleged to have been recovered on the basis of a disclosure statement when the petitioner was in custody would also be suspect and that in any case even if recovery of 100 tablets is attributed to the petitioner, the same would fall in the category of 'non-commercial quantity'.
5. Opposing the petition, learned State counsel has submitted that since the name of the petitioner surfaced on the statement of the co-accused Gurpreet Singh, the petitioner has to be attributed the entire recovery of 700 tablets as well as the 100 tablets recovered in the instant case. Learned State counsel has however, informed that the petitioner has been behind bars since the last more than 6 months and that challan already stands presented and that the petitioner is not involved in any other case.

6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the petitioner came to be nominated on the basis of a disclosure statement the veracity and admissibility of which would be debatable and that the contraband recovered at the instance of the petitioner i.e. 100 tablets would fall in the category of 'non-commercial quantity' and while keeping in view that the petitioner is a lady and is not stated to be previously involved, further detention of the petitioner who has already been behind bars since the last about 6 months will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.7.2021

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No