

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29526-2021 (O&M)

Date of decision: 16.11.2021

Najma Khatoon

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Imran Farooqi, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of regular bail in FIR No.65 dated 19.05.2021 under Sections 21/22/29/61/85 of NDPS Act, registered at Police Station City Dhuri, District Sangur.

Learned counsel for the petitioner submits that as per allegations in the FIR, a person, carrying a black coloured polythene bag, coming on feet was seen by the police party headed by ASI Darshan Singh. On seeing the police party, he became perplexed and after throwing the bag, he started running away. The police apprehended him and thereafter, second Investigating Officer was called and recovery of 275 grams of intoxicant powder was effected from co-accused Mohd. Irfan. It is further submitted that during the investigation, co-accused Mohd. Irfan nominated the petitioner as a person, from whom he had

acquired the contraband.

Learned counsel has further submitted that the petitioner is a lady and is having no previous history of involvement in any other case. It is also submitted that even after arrest of the petitioner, no recovery was effected from her, therefore, only evidence against her is disclosure statement of co-accused Mohd. Irfan. Learned counsel has relied upon a judgment of the Hon'ble Supreme Court in *Tofan Singh Vs. State of Tamil Nadu, 2013(4) RCR (Criminal) 631*, to submit that it will be a debatable issue whether the disclosure statement made by co-accused will be admissible against the petitioner or not.

Learned State counsel, on the basis of custody certificate, filed in the Court today, has not disputed the factual position that the petitioner is in custody for the last 04 months and 17 days and is not involved in any other case.

After hearing learned counsel for the parties, without commenting anything further on merits of the case and considering the aforesaid facts and circumstances of the case, this petition is allowed and the petitioner is directed to be released on regular bail subject to furnishing her bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate, concerned.

Petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

16.11.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No