

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

220/2

CRM-M-34617-2021

Date of Decision: 28.10.2021

Manjot Kaur @ Khushi

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lalit Mohan Chanana, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

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.147 dated 09.07.2021 at Police Station Mataur, District SAS Nagar, under Sections 21/22/61/85 of the NDPS Act.
2. As per the case of the prosecution, co-accused Manpreet Kaur was found in possession of 35 grams of heroin and 610 tablets of Tramadol (Clovidol 100-SR). It is further the case of the prosecution that during the course of interrogation, Manpreet Kaur disclosed that she had procured the said contraband from Manjot Kaur (petitioner). It is further the case of the prosecution that pursuant to said disclosure statement, Manjot Kaur was arrested on 11.07.2021 and from her search, 5 grams of heroin was recovered.
3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case on the basis of a

disclosure statement and that in any case, even if the allegations pertaining to recovery of 5 grams of heroin from petitioner are taken to be correct, still the same would fall in the category of 'small' quantity.

4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by the co-accused from whom 35 grams of heroin and 610 tablets of Tramadol were recovered and in fact the said disclosure statement virtually stand substantiated from the factum of recovery of contraband from the petitioner herself, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 3 months and 11 days and that she is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested or found near the place when co-accused Manpreet Kaur was apprehended alongwith 35 grams of heroin and 610 tablets of Tramadol and came to be nominated subsequently on the basis of a disclosure statement, the veracity of which would be debatable and while also bearing in mind that the quantity allegedly recovered from the petitioner when she was arrested falls in the category of 'small' quantity and she is not even stated to be previously involved in any other case, this Court is of the opinion that it is a fit case for grant of regular bail to the petitioner. 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.

28.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**