

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

CRM-M-39987-2021
Date of Decision:- **8.11.2021**

KALU KAUR @ KALO KAUR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing on account of
COVID-19 Pandemic.

The present petition has been filed by the petitioner under
Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.166 dated
24.8.2021 registered under Sections 21 & 29 of NDPS Act at Police Station
Bhawanigarh, District Sangrur.

Vide order dated 05.10.2021 passed by this Court, *ad-interim*
anticipatory bail was granted to the petitioner.

Learned counsel for the petitioner has submitted that in compliance of order dated 05.10.2021 passed by this Court, the petitioner has joined the investigation. It is further submitted that the petitioner was named as accused in the present case on the basis of disclosure alleged to be made by co-accused Makhan Singh, Binder Kaur and Ravinder Singh, who were arrested at the spot by the police along with 5 grams of Heroin and drug money worth ₹43,000/- on 24.08.2021. The counsel for the petitioner further submitted that as per the aforesaid disclosure of the co-accused, the petitioner is supplier of the aforesaid Heroin. The counsel for the petitioner while relying upon judgment of Hon'ble Supreme Court passed in Tofan Singh vs. State of Tamil Nadu, 2021(4)) SCC 1 and order dated 3.11.2021 passed by this Court in CRM-M-46214-2021 (O&M) titled as Amandeep @ Aman vs. State of Punjab contended that aforesaid confessional statement of co-accused is not admissible against the petitioner.

Learned State counsel opposed the present petition but at the same time made statement on the instructions of ASI Jagtar Singh that the petitioner has joined the investigation with the police in compliance of order dated 05.10.2021 and that the petitioner is not facing trial in any other case under NDPS Act at present.

I have heard the learned counsel for the parties.

As has been discussed above, the petitioner was nominated as accused on the disclosure alleged to be made by co-accused Makhan Singh, Binder Kaur and Ravinder Singh to the effect that the recovered Heroin was supplied to them by the petitioner. The case of the prosecution is that 5 grams of Heroin and ₹43,000/- drug money was recovered from aforesaid 3

persons who were apprehended by the police on 24.08.2021. It is not the case of the prosecution that the petitioner escaped from the spot of aforesaid recovery. Admittedly, no contraband has been recovered from the possession of the petitioner till date.

In view of the above, considering the fact that the petitioner is not involved in any other case under the NDPS Act; she has been nominated as accused in this case on the basis of disclosure statement of the co-accused and in view of the judgment of Hon'ble Supreme Court in Tofan Singh's case (supra), the present petition is allowed, without commenting on the merits of the case. The order dated 05.10.2021 granting interim bail to the petitioner is hereby made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

8.11.2021
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No