

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

CRM-M-42451-2021 (O&M)

Date of Decision:- 29.11.2021

Suresh Kumari @ Sarvesh Kumari

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ajaivir Singh, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Bhupinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in a case registered vide FIR No.67, dated 12.9.2021, Police Station Dorangla, District Gurdaspur, under Section 21(c) of NDPS Act (Section 29 of NDPS Act added later on).
2. As per the case of prosecution one Ashwani Kumar was apprehended by the police and from whose possession 395 grams of 'Heroin' was recovered. It is further the case of prosecution that upon interrogation he disclosed that the said 'Heroin' had been procured

from Sher Singh @ Shera and that he was to deliver the same to Suresh Kumari @ Sarvesh Kumari.

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 allegedly made by Ashwani Kumar to the effect that he had procured the contraband from one Sher Singh and that the same was to be delivered to Suresh Kumari (petitioner). It has been submitted that such like disclosure statement would not carry any evidentiary value particularly when there is no other concrete evidence to establish the involvement of the petitioner in the alleged recovery.
4. Opposing the petition, learned State counsel has submitted that since Ashwani Kumar from whom the contraband was recovered has named the petitioner, no case for grant of bail is made out. It has also been submitted that the petitioner has been behind bars since the last two and a half months and that she is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. It is not disputed that no recovery was ever effected from the petitioner nor she was found anywhere near the place of recovery and has been nominated on the basis of disclosure statement of co-accused, the admissibility and veracity of which would be debatable. The petitioner in any case has been behind bars for the last about two and a half months and is otherwise stated to be having a clean record. In view of the aforestated position, wherein no recovery was ever effected from the petitioner and she is not even stated to be involved in any other case, the petition 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.

29.11.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No