

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

CRM-M-45924-2021 (O&M)
Date of Decision:-22.11.2021

Sukhi @ Mato

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by SI Jasvir Kaur.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.215 dated 16.8.2021 at Police Station Focal Point, District Police Commissionerate Ludhiana under Section 15 of Narcotic Drugs & Psychotropic Substances Act.
2. Status report by way of affidavit of Sh. Simranjit Singh, PPS, Assistant Commissioner of Police, Industrial Area-A, Ludhiana has been filed by learned State counsel today in Court, which is taken on record.
3. As per the FIR on 16.8.2021, when a police party was patrolling in the area of Sahanewal-Kuhara Road, then one Accent Car bearing registration No.PB-

02-AG-3355 was seen parked on a '*kachha*' footpath and a Hindu gentleman stepped down from the car and upon noticing the police party ran towards the fields. However, the said person was apprehended, who disclosed his name as Raj Kumar. Upon search of the car, 3 bags containing '*poppy husk*' total weighing 66 kgs. were recovered. During interrogation, said Raj Kumar disclosed that the said '*poppy husk*' belongs to his aunt Sukhi @ Mato (petitioner), his uncle Balbir Singh, his uncle's friend Kamaljit Singh and Peela, maternal aunt of the petitioner. The said Raj Kumar further disclosed that the aforesaid 4 persons had engaged his services for supplying '*poppy husk*', which they used to bring in huge quantity. Raj Kumar further disclosed that the aforesaid persons were present at an abandoned place in the bushes near Village Pangaliya and were about to proceed from there in an Alto Car bearing registration No.PB-08-CL-3121 to supply '*poppy husk*'. Pursuant to receipt of said information, the police proceeded towards Village Pangaliya but upon noticing the police party, the present petitioner Sukhi @ Mato, her husband Balbir Singh, her aunt Peela and Kamaljit Singh escaped on two white coloured Activa Scooters. The search of the Alto Car led to recovery of another 3 bags weighing 66 kgs. of '*poppy husk*'. The Alto Car was found to have been purchased by husband of the petitioner from one Charanjit Singh. Further search of the bushes nearby led to recovery of another 16 bags of '*poppy husk*' total weighing 352 kgs.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case simply in order to pressurize the entire family of Raj Kumar and that she has a clean record and is not involved in any other case. It has been submitted that it is highly unlikely that a person would make a confessional statement implicating his relatives

as is stated to have been done in the present case and that, in any case, such like disclosure statements do not carry any evidentiary value.

5. Opposing the petition, learned State counsel has submitted that in the instant case, the disclosure statements made by the accused have led to huge recovery of '*poppy husk*', which fully substantiates the case of the prosecution and, as such, the petitioner does not deserve the concession of anticipatory bail. Learned State counsel has, however, informed that the petitioner is not involved in any other case.
6. I have considered rival submissions addressed before this Court.
7. It is not in dispute that the petitioner was not arrested at the spot and nor any recovery was effected from her. The petitioner has been nominated on the basis of disclosure statement, the veracity and admissibility of which would be debatable. The petitioner is a lady and has a clean record and is not stated to be involved in any other case. In these circumstances, the petition merits acceptance and is hereby accepted. It is ordered that the petitioner, in the event of arrest, be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

22.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No