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

**CRM-M No.1287 of 2022(O&M)
Date of Decision: 12.07.2022**

Chhinder Kaur

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Pankaj Mulwani, DAG, Haryana.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of regular bail in her third attempt under Section 439 Cr.P.C in case bearing FIR No.320 dated 22.10.2015 registered under Sections 21, 22, 27-A, 61, 85 of the NDPS Act at Police Station City Mandi Dabwali, District Sirsa.

Earlier CRM-M No.28146 of 2020 and CRM-M No.20309 of 2021 were dismissed on 15.03.2021 and 29.06.2021 respectively.

Perusal of the record would show that the petitioner was nominated on the basis of disclosure statements of co-

accused Lakhwinder Singh @ Pinder and Sukhwinder Singh @ Mander Singh. In the aforesaid disclosure statements, the allegations against the petitioner are that the co-accused brought the contraband i.e. Rexcof vials from the petitioner. In CRM-M No.79 of 2016, interim order was passed in favour of the petitioner and she was allowed to join the investigation. Petitioner did not cooperate in the investigation and ultimately, CRM-M No.79 of 2016 was dismissed on 19.08.2016. Thereafter, presence of the petitioner could not be secured despite efforts made by the police. Petitioner surrendered on 29.07.2020 and since then, she is in custody.

Learned counsel for the petitioner submits that co-accused namely Lakhwinder Singh @ Pinder and Sukhmander Singh @ Mander Singh are on default bail. After filing of the challan, no prosecution witness has been examined qua the petitioner so far. The trial qua the co-accused has made substantial progress. Petitioner is a lady and has undergone more than one year and eleven months of custody as on date. Since no prosecution witness has been examined qua the petitioner so far, therefore, the trial of the case may take some time in its determination.

Learned counsel by referring to **Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1** and **State by Intelligence**

Officer (Ncb) Bangaluru Zonal Unit, Bengaluru Vs. Abu Thahir @ Abdu and etc., SLP(Crl.) No(s).1773-74 of 2021

submits that the confessional statements of the co-accused under Section 67 of the NDPS Act has to be treated like a statement under Section 25 of the Evidence Act and therefore, has no evidentiary value at this stage.

Taking into consideration the totality of facts and circumstances of the case and without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail.

In view of above, petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

July 12, 2022

Prince

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No