

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-8147-2022

Date of Decision : March 03, 2022

Kamaljit Kaur

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumeet Puri, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.
(keeping in view the advance copy given).

HARSIMRAN SINGH SETHI J. (ORAL)

Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.158 dated 15.12.2021 registered under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sadar Sangrur, District Sangrur.

Learned counsel for the petitioner argues that no banned drug has been recovered from the petitioner rather the petitioner has been involved in the present case only on the basis of the disclosure statement of the co-accused namely Jaspreet Singh @ Bhonu. Learned counsel for the petitioner submits that once, nothing has been recovered from the petitioner

and the disclosure statement of the co-accused namely Jaspreet Singh @ Bhonu, carries no weight keeping in view the settled principle of law as settled by the Hon'ble Supreme of India in *Criminal Appeal No. 152 of 2013 titled as 'Tofan Singh Vs. State of Tamil Nadu'*, the petitioner may kindly be extended the concession of regular bail.

Notice of motion.

Mr. Kirat Singh Sidhu, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State concedes the factum that no recovery of any banned drug has been done from the petitioner but the banned drug recovered from the co-accused Jaspreet Singh @ Bhonu, according to his disclosure statement, was purchased from the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no banned drug has been recovered from the petitioner and the petitioner has been roped in the present case only on the basis of the disclosure statement of the co-accused namely Jaspreet Singh @ Bhonu, which statement is yet to be proved during the trial and nothing has been brought to the notice of this Court as of now to show if any material has been collected by the Investigating Agency to corroborate the said disclosure statement, hence, no useful purpose will be achieved by keeping the petitioner behind the bars during the investigation/trial as the same is likely to take some time before it concludes especially when learned counsel

for the petitioner has undertaken before this Court that in case, the prayer of

the petitioner is accepted, she will not interfere in the investigation or the trial in any manner.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

March 03, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No