

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-15978-2022

Date of Decision: 25.8.2022

Bebi alias Bugar

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Ms. Manpreet Ghuman, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab

KARAMJIT SINGH, J.

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.7 dated 1.2.2022 registered for the offences punishable under Sections 22, 25, 29, 61, 85 of NDPS Act at Police Station Sudhar, District Ludhiana.

Counsel for the petitioner submits that the petitioner has been falsely implicated in this case on the basis of the disclosure made by co-accused Gurpreet Singh from whom commercial quantity of contraband was stated to be recovered by the police on 1.2.2022. He further submits that the petitioner is in custody for the last more than 6 months and is having no criminal history and that the police has presented the challan after completion of investigation. He further submits that no contraband or any other incriminating substance was recovered from the possession of the petitioner and that it will take time for trial to conclude. So, prayer is made

for grant of regular bail to the petitioner.

Present petition is opposed by the State counsel while filing reply by way of affidavit of Harvinder Singh Cheema, DSP(D), Jagraon, District Ludhiana (Rural) which is taken on record. State counsel submits that the petitioner was named in the FIR which was registered on the basis of the secret information and consequently, co-accused Gurpreet Singh was apprehended and commercial quantity of contraband was recovered from his possession by the police on 1.2.2022. He further submits that subsequently, the petitioner was arrested on the basis of the disclosure made by aforesaid Gurpreet Singh. He further submits that after completion of investigation, challan has been presented. He has not refuted the fact that nothing has been recovered from the possession of the petitioner till date.

I have considered the submissions made by the counsel for the parties.

The petitioner has been named in the FIR along with co-accused Gurpreet Singh. As per allegations appearing on record, the police arrested Gurpreet Singh along with commercial quantity of contraband on 1.2.2022. It is not the case of the prosecution that the petitioner fled away from the spot when the police arrested her co-accused Gurpreet Singh. As per State counsel, co-accused Gurpreet Singh made disclosure statement against the petitioner and thereafter, the petitioner was arrested. As per custody certificate furnished by the State counsel, the petitioner is in custody for the last more than 6 months and is not having any criminal history. In this case, no contraband was recovered from the possession of the petitioner. In the absence of any call detail record or other documents, it is difficult to connect the petitioner *prima facie* with the contraband which is stated to have been recovered from her co-accused Gurpreet Singh by the

police. So, apparently, rigors of Section 37(1)(b) of NDPS Act are not applicable to the case of the petitioner. The trial will commence after framing of charge and it will take time for the trial to conclude.

In view of above, as no contraband is stated to have been recovered from the possession of the petitioner, no useful purpose is going to be served by keeping the petitioner in custody for any further period.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

August 25, 2022
Paritosh Kumar

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