

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

**CRM-M-20312 of 2021
Date of Decision:- 19.05.2022**

Karamjit Kaur

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Arshdeep Singh Brar,
Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.

Prayer is for grant for anticipatory bail to the petitioner in case having FIR No.73 dated 10.04.2022 registered under Sections 21/22/29 of NDPS Act, Police Station Dharamkot, District Moga.

As per the case of prosecution one Gurjit Singh @ Toni and Balvir Kaur @ Biro were apprehended by the police along with 25 grams of Heroin and 400 tablets of etizolam while they were standing along with a motorcycle at Bus stand of village Nasirpur Janiyan.

The counsel for the petitioner argued that the petitioner was not named in the FIR. The counsel further submitted that the petitioner has been named as accused on the basis of alleged disclosure made by co-accused Balvir Kaur @ Beero, but the same is not legally sustainable. He further submitted that the petitioner is ready to join the investigation with the police.

The present petition is opposed by the State counsel who submitted that the disclosure was made by co-accused Balvir Kaur @ Beero that she had brought the said contraband from the present petitioner (her sister) and the aforesaid recovery of contraband being covered under commercial quantity, which has been effected from a motorcycle on which co-accused Gurjit Singh @ Toni and Balvir Kaur @ Beero were travelling. The State counsel further submitted that custodial interrogation of the petitioner is necessary for proper investigation of the case.

I have considered the submissions made by both the parties.

The contraband recovered in the present case from above said two co-accused comes under commercial quantity and same was alleged to be taken from the present petitioner, as per the disclosure statement recorded by Balvir Kaur @ Beero before the police and it shows that present petitioner was well associated with co-accused.

In view of the fact that commercial quantity of contraband was recovered from co-accused Gurjit Singh @ Toni and

Balvir Kaur @ Beero and to ascertain the role of petitioner as well as bar under Section 37 NDPS Act, no ground for grant of anticipatory bail to the petitioner is made out. Accordingly, the present petition stands dismissed. The observations made herein-above may not be construed as an expression of opinion on the merits of the case.

19.05.2022
P. Chawla

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No