

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

CRM-M-20949-2022 (O&M)
Date of Decision:-22.9.2022

Rajni Bala

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Sarabjit Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.124, dated 17.10.2021, Police Station Barnala, District Barnala, Punjab, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act was added later on.
2. The FIR was lodged on the basis of secret information received by the police to the effect that Gurmeet Kaur @ Meeto was bringing intoxicating powder so as to supply the same to her customers in Barnala. Upon receipt of said information, the police swung into action and was able to apprehend Gurmeet Kaur @ Meeto from a place near Gaushala at Handiaya, District Barnala, while she was carrying 300 grams of intoxicating powder, which upon an analysis was found to contain '*heroin*'. It is further the case of the prosecution that during the course of interrogation i.e. after about 6 days of

arrest of Gurmeet Kaur @ Meeto, she has suffered a disclosure statement to the effect that she had procured the contraband from the petitioner.

3. The learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and was never ever found or arrested at the spot and has been nominated subsequently on the basis of a disclosure statement made by co-accused Gurmeet Kaur @ Meeto, which would not carry any evidentiary value in the absence of any other corroborative evidence.
4. It has further been submitted that the petitioner is having a 2 years old son, who has been staying with her ever since she was confined in jail and that the same is rather traumatic for her son and it is not in his welfare that he be kept confined in jail alongwith the petitioner. The learned counsel for the petitioner has submitted that although the petitioner happens to be involved in one more case but she was released on bail in the said case by this Court vide order dated 14.09.2022 passed in CRM-M-8093 of 2022 on the ground that she was having a 2 years child with her.
5. Opposing the petition, learned State counsel has submitted that the petitioner has been specifically nominated by co-accused Gurmeet Kaur @ Meeto from whom a 'commercial' quantity of contraband was recovered, no case for grant of bail is made out. It has, however, been informed that the petitioner as on date has been behind bars since the last about 9 months and stands involved in one more case.
6. This Court has considered the rival submissions.
7. It is not in dispute that no recovery whatsoever was ever effected from the petitioner, who came to be nominated after about a week of the arrest of co-accused Gurmeet Kaur @ Meeto on the basis of Gurmeet Kaur @ Meeto's

disclosure statement. Apart from this, what weighs with the Court is that a 2 years old child has to be kept in the jail on account of his tender age alongwith the petitioner.

8. Having regard to the facts and circumstances of the case, it would certainly be in the fitness of things and in the welfare of the child that the petitioner is granted bail. The petition, as such is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No