

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

**CRM-M No.20849 of 2022
Date of Decision:- 24.05.2022**

Rajni alias Ashoka

....Petitioner

Vs.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

KARAMJIT SINGH, J.(Oral)

Prayer is for grant of regular bail in case having FIR
No.130 dated 26.6.2021 registered under Sections 22/29 of NDPS
Act at Police Station Batala, District Gurdaspur.

Short reply by way of an affidavit of Dev Singh PPS,
Deputy Superintendent of Police, Sub Division City Batala, Police
District Batala, is ordered to be taken on record.

The case of the prosecution is that on 26.06.2021, co-
accused Rakesh Kumar @ Bablu was apprehended by the police and

510 medical intoxicant tablets were recovered from his possession. During investigation, aforesaid Rakesh Kumar made disclosure that he purchased the aforesaid medical intoxicants from the present petitioner and accordingly, petitioner was nominated as an accused and was arrested on 26.04.2022.

The counsel for the petitioner contends that no incriminating article was recovered from the possession of the petitioner, who was not named in the FIR. The counsel further contends that the petitioner was named as an accused only on the basis of disclosure statement alleged to be suffered by co-accused Rakesh Kumar @ Bablu. The counsel for the petitioner made prayer that the petitioner be released on regular bail.

The present petition is opposed by the State counsel who submitted that during the investigation of the case, complicity of the petitioner was revealed. The State counsel otherwise admitted that no contraband has been recovered from the petitioner during the investigation of this case. The State counsel also apprised the Court that investigation in the present case has been completed.

In view of the above, as no contraband has been recovered from the petitioner, the strict provisions of Section 37(1)(b) are not applicable to her case. The petitioner was nominated as an accused only on the basis of disclosure statement of co-accused and the relevancy of the said disclosure statement is to be considered by

the trial Court at the appropriate stage of trial. It will take time for conclusion of the trial which is yet to begin.

In the light of above, this Court is of the view that no purpose is going to be served by keeping the petitioner in custody for any longer period, thus, 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 her furnishing bail and surety bonds to the satisfaction of the Trial Court/CJM/Duty Magistrate concerned.

24.05.2022

P. Chawla

**(KARAMJIT SINGH)
JUDGE**

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No