

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

213

CRM-M-43280-2020 (O&M)

Date of Decision: 05.04.2022

Manpreet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. J.S.Sandhu, Advocate,
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Gurdeep Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.208 dated 01.10.2020 at Police Station Canal Colony, District Bathinda, under Section 15(c) of the NDPS Act.
2. The case of the prosecution is that during the late hours on 30.09.2020, when the police party headed by ASI Rajvir Singh was patrolling in the area of Lal Singh Basti Bathinda, they noticed a person, who was holding a black coloured plastic polythene bag and who upon seeing the police party turned back towards street. Upon getting suspicious, the police party stopped and thereafter the said person started running. The said person was chased by the police officials. The said person entered a house and climbed the stairs to the first floor and threw the polythene bag in a room on the first floor and was in the process of locking the room

- when he was apprehended by the police. Upon opening the door of the room, it was found that there were other plastic bags and it appeared that the same contained some intoxicant substance. A lady was also found inside the room. Upon enquiry, the person, who was being chased, disclosed his name as Gagandeep Singh and the lady disclosed her name as Manpreet Kaur wife of Gagandeep Singh. The substance contained in the bags as well as polythene bag was found to be poppy-husk and upon weighment the same was found to be 451 Kgs.
3. It is further the case of the prosecution that Gagandeep Singh upon interrogation disclosed that he had kept concealed more poppy-husk in his car and got the same recovered, which was found to be 14 Kgs.
 4. Learned counsel for the petitioner has submitted that she has no role to play in the alleged drug trafficking and that at best it would be the co-accused Gagandeep Singh, who could be held responsible for having stored poppy-husk in the house. Learned counsel has further submitted that even if for the sake of arguments, it is admitted that she had some knowledge that her husband was into drug trafficking, still she cannot be attributed conscious possession of the recovered contraband inasmuch it was not with her consent or intention that the same had been stored in her house where her husband was also residing with her. It has, thus, been submitted that the petitioner at best can be held liable for an offence punishable under Section 202 IPC for not having furnished information to the police regarding commission of an offence and which is punishable for a maximum of 6 months only. Learned counsel has further submitted

that the petitioner has a clean record and is not involved in any other case and as such, the petitioner having already undergone substantial period of about 1 ½ year deserves the concession of bail.

5. On the other hand, learned State counsel has submitted that since recovery was effected from the very residence of the petitioner and in fact, she was found present in the room where the contraband was stored, she cannot feign ignorance about the contraband and apparently she was hand in glove with her husband in the aforesaid drug trafficking and as such, she does not deserve concession of bail.
6. I have considered rival submissions addressed before this Court.
7. Having regard to the fact that the petitioner happens to be wife of co-accused Gagandeep Singh, who was being chased by the police officials and ultimately it was found that huge quantity of poppy-husk had been stored in the house, it will indeed be debatable as to whether the petitioner, who is the wife of co-accused, can be attributed conscious possession of the contraband or as to whether it is merely a case of the petitioner not having furnished information to the police regarding commission of an offence. In any case, the petitioner, who is a lady, has been behind bars for the last about 1 ½ year and is not stated to be involved in any other case. Conclusion of trial is likely to consume time inasmuch only 4 out of cited 15 PWs have been examined. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

05.04.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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