

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105

CRM-M-46774-2022

Date of Decision: 12.10.2022

Talwinder

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Ashok Giri, Advocate for the petitioner

Mr. Rajiv Verma, DAG Punjab

Sandeep Moudgil, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.51 dated 11.06.2022 under Section 22 (Section 29 added later on) of NDPS Act, 1985 registered at Police Station Mehtiana, District Hoshiapur.

Brief facts of the case are that on 11.6.2022 SI Jaskaran Singh, alongwith other police officials, was going from Adda Mehtiana to Bhungarni side in connection with checking of suspicious persons. When the police party reached just ahead of Adda Mehtiana, they saw one lady, who, on seeing the police party, threw one polythene carry bag on the ground. On suspicion she was apprehended and on asking, she disclosed her name as Neelam Kaur @ Soma w/o Manga r/o village Harta PS Mehtiana. During checking of polythene envelop thrown by accused Neelam Kaur @ Soma, 20 grams intoxicant powder was recovered. During investigation, accused Neelam Kaur @ Soma made confessional statement that the recovered intoxicant powder was purchased from the present petitioner. On the basis of

above said disclosure statement, the petitioner was also nominated in this case.

Learned counsel for the petitioner contends that petitioner was neither named in the FIR nor any role was attributed to her and her name has come in disclosure statement only. It is further contended that absence of discovery of any new fact or having related to any recovery, the statement made by co-accused in police custody is not admissible and would be hit by Section 25 of the Evidence Act.

Notice of motion.

On the asking of the Court, Mr. Rajiv Verma, DAG Punjab accepts notice and submits that the petitioner is found involved in two other cases i.e. FIR No.175 of 19.08.2015 registered under Section 21 of the NDPS Act and FIR No.165 of 01.07.2015 registered under Section 22 of the NDPS Act and as such she does not deserve the concession of anticipatory bail.

Looking at the facts and circumstances of the case as well as the fact that the petitioner is required in two other FIRs registered under the NDPS Act, no case for grant of anticipatory bail is made out.

Dismissed.

12.10.2022

V.Vishal

1. Whether speaking/reasoned?
2. Whether reportable?

(Sandeep Moudgil)
Judge

Yes/No

Yes/No