

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

CRM-M-52176-2021 (O&M)
Date of Decision:- 15.3.2022

Kulwinder Kaur @ Kaki

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Harsh Raheja, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab.

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. 124, dated 17.10.2021, Police Station Barnala District Barnala, under Section 21 of NDPS Act.
2. The case of prosecution is that on 17.10.2021, a secret information was received by the police to the effect that Gurmeet Kaur indulged in sale of intoxicants. Pursuant to receipt of said information the police apprehended Gurmeet Kaur and upon her search 300 grams of 'Heroin' was recovered. It is further the case of prosecution that

during the course of interrogation said Gurmeet Kaur nominated Kulwinder Kaur as an accused as a supplier of contraband and consequently said Kulwinder Kaur came to be arrested on 18.10.2021 and upon her search 'Heroin' weighing 30 grams was recovered apart from drug money Rs.1,17,500/-. It is further the case of prosecution that on 23.10.2021 Kulwinder Kaur nominated Charanjit Kaur as an accused. Said Charanjit Kaur was arrested on 13.11.2021 and upon her search 23 grams of 'Heroin' was recovered. It is also the case of prosecution that Kulwinder Kaur also named Sukhwinder Singh as an accused who came to be arrested on 17.11.2021. Upon his disclosure statement, 33 grams of 'Heroin' was recovered on 19.11.2021.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case on the basis of a disclosure statement which can hardly be said to be a reliable piece of evidence and as such she deserves the concession of bail.
4. On the other hand learned State counsel has submitted that apart from the disclosure statement made by co-accused, it is a case where Kulwinder Kaur was found in possession of 30 grams of 'Heroin' and also drug money amounting to Rs.1,17,500/-, which would clearly nail her guilt. Learned State counsel has further informed that the petitioner stands involved in one more case registered under the NDPS Act and that as on date she has been behind bars for the last about 4 months and 20 days.
5. I have considered rival submissions addressed before this Court.

6. Having regard to the fact that it is a case of recovery of non-commercial quantity of 'Heroin' and that the petitioner has already been behind bars for the last 4 months and 20 days, 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 bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

15.3.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No