

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-1791-2023

Date of decision: 18.01.2023

Mamta

.....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr.Gursimran Singh Madan, Advocate for the petitioner.

Mr.Amit Rana, Sr.DAG Punjab for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.43 dated 22.08.2022 lodged under Sections 21, 29, 61, 85 of N.D.P.S. Act, registered at police Station Nangal Bhoor, District Pathankot.

Learned counsel for the petitioner submits that the petitioner was nominated as an accused pursuant to a disclosure statement made by co-accused Lakhwinder Singh @ Lucky from whom non commercial quantity i.e. 2 grams of heroin was recovered. Learned counsel submits that evidentiary value of such disclosure statement is of a weak nature. He submits that subsequent to the alleged disclosure statement made by the co-accused, false recovery of 250 grams of heroin alongwith ₹81,000/- was planted upon the petitioner. Learned counsel

arrested on 14.09.2022 and she be extended concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from ASI Naresh Kumar, has submitted that no doubt the recovery effected from the co-accused Lakhwinder Singh @ Lucky was only 2 grams of heroin, however, while making disclosure statement he had categorically stated that the recovered contraband had been procured from the petitioner and thereafter, recovery of 250 grams of heroin alongwith ₹81,000/- i.e. drug money was effected from her. Learned counsel submits that recovery effected from the petitioner falls under the commercial quantity and still further the petitioner is a woman of criminal antecedents as she is involved in 10 other cases under the NDPS Act.

I have heard learned counsel for the parties and perused the material placed on record.

In view of the facts and circumstances as enumerated hereinabove, prima-facie, the petitioner does come across as a woman of criminal antecedents. In addition, the recovery of contraband effected from the conscious possession of the petitioner falls under commercial quantity. Hence, this Court does not deem it fit to extend the concession of bail to the petitioner.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

18.01.2023
Meenu

(MANJARI NEHRU KAUL)
JUDGE