

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15977 of 2022 (O&M)
Date of decision: 9th February, 2023

Preeti & another
... Petitioners
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Renu Arora, Advocate for the petitioners.
Mr. Sanish Girdhar, Assistant Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioners in the instant petition filed under Section 439 Cr.P.C. are seeking concession of regular bail in case bearing FIR No.133 dated 13.04.2021 under Section 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 25 of the Arms Act, 1959 registered at Police Station City Kharar, District SAS Nagar, Mohali.

Learned counsel for the petitioners inter alia submits that it is a case of false implication which is evident from the fact that neither were they named in the FIR in question nor any recovery of contraband effected from them. Learned counsel submits that the petitioners were nominated as accused pursuant to the disclosure statement made by co-accused Mohsin Ansari from whom recovery of 1 kg of Heroin and some firearm was effected. Learned counsel has drawn the attention of

this Court to the supplementary report which has been annexed as Annexure P-3 to urge that even a perusal of the said report clearly reveals that contraband which had been allegedly recovered from the conscious possession of the co-accused Mohsin Ansari, had not been purchased from the petitioners. She submits that in the supplementary report it has been categorically mentioned that co-accused Mohsin Ansari had stated that in the preceding 2/3 months from the date of alleged recovery, Heroin was being procured by him from Dwarka, Delhi and which in turn was being sold to different customers.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not been able to controvert that no recovery of any contraband was effected from the possession of the petitioners and they were nominated as accused on the basis of disclosure statement made by co-accused Mohsin Ansari. It has also not been disputed by the learned State counsel that in his disclosure statement, co-accused Mohsin Ansari had stated that in the last few months preceding the alleged recovery from him, he had been procuring Heroin from his sources in Delhi. Learned State counsel has however submitted that in his disclosure statement, co-accused Mohsin Ansari had stated that much prior in time from the date of alleged recovery of contraband, he also used to procure Heroin from the petitioners, which was then sold by him to his costumers.

A pointed query was put to the learned State counsel as to whether the petitioners were involved in any other case under the NDPS Act, to which, he on instructions, has replied in the negative.

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

In the facts and circumstances, as enumerated hereinabove, this Court deems it fit to allow the instant petition as only one out of the 17 prosecution witnesses stands examined and the trial shall take considerable time to conclude. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

February 9, 2023
rps

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