

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

229

2023:PHHC:084385

CRM-M No.26499 of 2023

Date of decision: July 5th, 2023

Gurpreet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Subhash Godara, Additional Advocate General, Punjab,
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.101 dated 08.04.2023 lodged under Sections 21/27/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station STF Phase-8, S.A.S. Nagar (Mohali).

While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel submits that a perusal of the same reveals that in the secret information which was received by the police, petitioner was not named and the alleged recovery of 300 grams of heroin was effected from co-accused Satnam Singh, Dilpreet Singh and Ranjit Singh. It has still further been submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Satnam Singh and Dilpreet Singh, who stated that while travelling from Tarn Taran, they had supplied 70 grams of heroin to the

petitioner as well as co-accused Karam Singh on the way. Learned counsel submits that the evidentiary value of the disclosure statement allegedly suffered by the co-accused is admittedly of weak nature and still further, the petitioner being falsely implicated in the case in hand, finds credence from the fact that she has clean antecedents being not involved in any other criminal case much less under the NDPS Act.

Per contra, learned State counsel, on instructions, has not been able to dispute the factual aspect of the submissions made by the counsel opposite qua the petitioner not being named in the secret information received by the police and still further, there being no other criminal case registered or pending against the petitioner.

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

The petitioner has been in custody since 09.04.2023 and the recovery allegedly effected from the petitioner i.e. 60 grams of heroin concededly is much less than the prescribed commercial quantity under the Act. The petitioner has clean antecedents. The trial will take considerable time to conclude.

In the facts and circumstances as enumerated hereinabove, the instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. 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.

Needless to add here, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

July 5th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned

:

Yes

Whether reportable

:

No