

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

**CRM-M No.40413 of 2023  
Date of Decision: 23.08.2023**

Kavita alias Kavita Rani @ Dudi Bai

.....Petitioner

Versus

State of Haryana

.....Respondents

**BEFORE: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

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Present:- Mr.K.L. Saini, Advocate  
for the petitioner.

Ms. Trishanjali Sharma, DAG, Haryana.

**MANJARI NEHRU KAUL, J.(Oral)**

The petitioner is seeking the concession of bail in FIR No. 27, dated 02.02.2023, under Sections 20-B and 27-A of the NDPS Act, 1985, registered at Police Station Sadar Ratia, District Fatehabad.

2. Learned counsel submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Amritpal @ Amarjeet Singh from whom recovery of 2.4 Kg. Ganja was effected. He further submits that such a disclosure statement does not have much evidentiary value and on this ground alone, she deserves to be extended the concession of bail. It has been further submitted that even after the petitioner came to be arrayed as an accused and on being arrested on 05.04.2023, no recovery much less

of any contraband was effected from the petitioner. Learned counsel has, thus, prayed for grant of bail to the petitioner as challan stands presented and still further there is no likelihood of the trial concluding in the near future as charges are likely to be framed only on 11.11.2023.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has not controverted that neither was the petitioner named in the secret information received by the police nor any recovery effected from her after she was arrested in pursuance of the disclosure statement made by co-accused Amritpal @ Amarjeet Singh. She, however, submits that the petitioner is involved in another case under the NDPS Act, wherein she was found selling 4 Kgs. 55 Grams of Ganja.

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

5. It has not been disputed by the learned State counsel that no recovery was effected, much less of Ganja from the petitioner, and rather she was nominated as an accused only on the disclosure statement allegedly suffered by the co-accused. As many as 12 prosecution witnesses have been cited by the prosecution and there is, thus, no likelihood of the trial concluding in the near future as charges are likely to be framed only on 11.11.2023.

6. In the facts and circumstances as enumerated hereinabove and keeping in view the fact that the recovery effected from the co-accused Amritpal @ Amarjeet Singh falls under the non-commercial category, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, 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.

8. Needless to add, in case the petitioner misuses the concession of bail or she is found involved in any other criminal case, the State would be at liberty to seek cancellation of the bail granted to her today.

August 23, 2023  
poonam

(MANJARI NEHRU KAUL)  
JUDGE

|                                   |            |
|-----------------------------------|------------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> |
| <i>Whether Reportable:</i>        | <i>No</i>  |