

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-47212-2022

Date of decision: 19.05.2023

Prabhjot Kaur @ Prabhjit Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Kanwar Inder Singh, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.68 dated 07.07.2022 under Sections 22, 29, 61, 85 NDPS Act registered at Police Station Sandaur, District Malerkotla.

2. Learned counsel for the petitioner contends that the petitioner was nominated as an accused on the basis of a disclosure statement allegedly made by co-accused Baljot Singh @ Jot from whom recovery of 800 tablets containing Diphenoxylate Hydrochloride was effected. He contends that the evidentiary value of such disclosure statement is of a weak nature. Learned counsel further submits that after the charges were framed, the trial has come to a virtual standstill as only 01 out of the 13 prosecution witnesses cited, has been examined and despite the case having been adjourned on as many as 07 dates and non-bailable warrants also having been issued to secure the presence of

the prosecution witnesses, they had failed to put in an appearance to get their evidence recorded. Learned counsel submits that in the facts and circumstances, there is no likelihood of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite, on instructions, has submitted that the FIR in question came to be registered on the basis of a secret information received qua co-accused Baljot Singh @ Jot from whom the recovery of 800 tablets containing Diphenoxylate Hydrochloride was effected. Learned State counsel, however, has not been able to controvert that the petitioner was nominated as an accused on the basis of a disclosure statement suffered by co-accused Baljot Singh @ Job and still further that no recovery of any contraband was effected from the petitioner. Learned State counsel has also not been able to dispute that despite non-bailable warrants having been issued to secure the presence of the prosecution witnesses they have failed to appear before the Trial Court to get their evidence recorded.

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

5. In the facts and circumstances as enumerated hereinabove as the petitioner has now been in custody since 08.07.2022 and only one prosecution witness out of the 13 cited stands examined, there is no likelihood of the trial concluding in the near future. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. 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.

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

19.05.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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