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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No. 50090 of 2023

Date of Decision:- 08.12.2023

SOMA RANI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. J.K. Singla, Advocate, for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
104	18.06.2023	21, 27 29 of NDPS Act.	Bhikhi, District Mansa

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case by the police on the alleged disclosure statement made by co-accused Subham Kumar alias Shanty from whom 20 grams of Herion was recovered. He submits that no recovery has been effected from the petitioner and even

aforesaid co-accused Subham Kumar alias Shanty has since been granted concession of bail by the learned trial Court, hence he prayed for grant of concession of bail to the petitioner.

3. Learned State counsel has opposed the bail application by arguing that although no recovery has been effected from the petitioner but co-accused Subham Kumar alias Shanty had made disclosure statement having bought the contraband from the petitioner and being the supplier she is not entitled for concession of bail.

4. After considering the rival contentions and perusing the record, it transpires that admittedly the petitioner was nominated on the basis of disclosure made by co-accused Subham Kumar alias Shanty. Petitioner is in custody since 18.06.2023 and no recovery has been effected from him. Co-accused Subham Kumar alias Shanty has already been granted concession of bail by learned trial Court vide order dated 20.07.2023 (Annexure P-2). Challan has already been presented in Court and criminal liability, if any, on the petitioner would be determined after completion of trial which will take sufficient long time and no useful purpose would be served by detaining the petitioner any longer in custody.

5. Consequently, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave

the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

6. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after her release on bail, it will be open for the prosecution to move an application for cancellation of her bail in accordance with law.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

08.12.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |