

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

214

**CRM-M-53085-2022
Date of decision: 10.01.2023**

Kalawati

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.433 dated 16.08.2022 under Sections 21(c), 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Sadar Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that the petitioner, who is 80 year old lady, has been falsely implicated in the case in hand on the basis of the disclosure statement of co-accused Amandeep from whom the alleged recovery of 255 grams of heroin was effected. Learned counsel submits that the petitioner has now been in custody since 16.08.2022 and no recovery of any contraband much less heroin was effected from her. It has also been submitted that the evidence i.e. disclosure statement on the basis of which the petitioner has been nominated as an accused has very weak evidentiary value,

moreso, when admittedly no recovery of any contraband was effected from her. Learned counsel still further contends that the petitioner has clean antecedents and is not involved in any other criminal case much less under the NDPS Act.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions from SI Radha Krishan, has not been able to controvert that firstly, no recovery of any contraband was effected from the petitioner and still further the petitioner was nominated only on the basis of a disclosure statement made by co-accused Amandeep from whom the alleged recovery of 255 grams of heroin was effected. Learned State counsel still further on instructions has also conceded that the petitioner is not involved in any other criminal case much less under the NDPS Act. He, however, submits that a recovery of Rs.6,500/- was effected from the person of the petitioner.

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

The petitioner is an 80 year old lady, who has now been in custody for almost 05 months having been arrested on 16.08.2022. As conceded by the learned State counsel, she is not involved in any other criminal case much less under the NDPS Act and no recovery of any contraband was also effected from her. This Court, therefore, deems it fit to extend the concession of bail to the petitioner as the trial was unlikely to conclude in the near future. 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.

10.01.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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