

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

273

CRM-M-54240-2022 (O&M)

Date of decision: 20.04.2023

JYOTI

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldip Singh, Advocate for the petitioner

Mr. H.S. Sullar, Sr. DAG Punjab

AMAN CHAUDHARY. J.

1. The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.311 dated 23.08.2022, under Section 21 of the NDPS Act (Section 29 NDPS Act added later on), registered at Police Station City Ferozepur, District Ferozepur.

2. Learned counsel contends that the petitioner is in custody for almost 8 months. She was not named in the FIR and it is on the disclosure statement of co-accused Sukhwinder Singh that she came to be falsely implicated in this case. The recovery of 254 grams of heroin was effected from the co-accused. Though challan was presented on 15.01.2023, however, charges have not been framed. In all there are 11 witnesses. There is one more case against the petitioner, wherein also her implication is based on disclosure statement of the co-accused, from whom allegedly 14 grams of heroin was recovered. No recovery has been effected from her. He relies on **Toofan Singh vs. State of Tamilnadu** 2020(1) RCR (CrI.), 1 and **Surender Kumar Khanna vs. Intelligence Officer, Directorate Revenue**

Intelligence, 2018(3) RCR (Crl.) 954.

3. Learned State counsel has produced the custody certificate dated 19.04.2023, which is taken on record. As per the same the custody of the petitioner is 7 months and 23 days.

4. Learned State counsel opposes the bail on the ground that petitioner is a habitual offender as there is one more case against her. He is however unable to controvert the submissions with regard to stage of trial, petitioner being implicated based on disclosure statement and no recovery having been effected from her.

5. Heard.

6. In view of the facts and circumstances of the case, in particular that the petitioner is in custody for the last 7 months and 23 days; she has not been named in the FIR but involved on basis of a disclosure statement of co-accused in custody; no recovery has been effected from her; though challan was presented on 15.01.2023, however, charges are yet to be framed; in all there are 11 witnesses; the trial is likely to take a considerable time, her further detention behind bars would not serve any useful purpose, thus the present petition for grant of regular bail deserves to be allowed.

7. As a result, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned and subject to her not being required in any other case. The petitioner shall abide by the following conditions:-

1. The petitioner will not tamper with the evidence during the trial.
2. The petitioner will not pressurize/ intimidate the prosecution witnesses.
3. The petitioner will appear before the trial Court on each and every

- date fixed, unless is exempted by a specific order of Court.
- 4. The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.
 - 5. The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
 - 6. The petitioner shall not in any manner misuse her liberty.
 - 7. The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.
 - 8. The petitioner shall deposit her passport, if any, with the Trial Court forthwith and in case, she does not have the passport, she shall furnish a specific affidavit in this regard.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.
9. In view of the above, this Court makes it clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

April 20, 2023
S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No