

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-57419-2022

Date of Decision: 22.5.2023

Karamjit Kaur @ Billi

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Hakam Singh, AAG, Punjab.

KARAMJIT SINGH, J. (Oral)

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.73 dated 10.4.2022 registered for the offences punishable under Sections 21, 22 and 29 of NDPS Act at Police Station Dharamkot, District Moga.

2. The allegations in nutshell are that the police apprehended co-accused Balbir Kaur @ Biro and Gurjit Singh @ Toni and recovery of 400 tablets of Etizolam 0.5 mg and some cash were made from Balbir Kaur @ Beero and 25 grams of Heroin was recovered from Gurjit Singh @ Toni on 10.4.2022 and thereafter, the petitioner was named as accused on the basis of the disclosure statement made by Balbir Kaur @ Beero and thereafter, the petitioner was arrested on 11.10.2022.

3. Counsel appearing on behalf of the petitioner *inter alia* contends that the petitioner who was not named in the FIR was later on

falsely implicated on the basis of the alleged disclosure statement made by co-accused Balbir Kaur @ Biro and the said disclosure statement is subject matter of the trial and further, the petitioner is incarcerated since 11.10.2022 and during investigation, no contraband was recovered from possession of the petitioner and that the trial is at its initial stage. So, prayer is made that the petitioner, who is a lady, be released on bail.

4. Present petition is resisted by the State counsel who on instructions from ASI Rashpal Singh submits that commercial quantity of contraband was recovered from Balbir Kaur @ Biro while non-commercial quantity of Heroin was recovered from co-accused Gurjit Singh @ Toni. However, the State counsel has not disputed the fact that the petitioner is in custody since 11.10.2022 and during investigation, no incriminating article or contraband was recovered at the instance of the petitioner and further, trial is yet to commence as charges are to be framed. Counsel for the petitioner clarified that in all other criminal cases faced by the petitioner, she is already enlarged on bail. This fact has not been disputed by the State counsel.

5. I have considered the submissions made by the counsel for the parties.

6. Admittedly, the petitioner was not named in the FIR which was registered against Balbir Kaur @ Biro and Gurjit Singh @ Toni from whom the police recovered contraband as has been detailed above. The petitioner is named as accused on the basis of the disclosure statement made by co-accused Balbir Kaur @ Biro. Admissibility and veracity of the said disclosure statement will be tested during trial. Admittedly, the petitioner is in custody for the last more than 7 months and during investigation, no

contraband was recovered at the instance of the petitioner. It will take considerable time for the trial to conclude even after framing of charge.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(KARAMJIT SINGH)
JUDGE

May 22, 2023
Paritosh Kumar

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