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

CRM-M-56426-2023
Date of decision : 18.12.2023

MANO ALIAS MANI KAURPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with SI Shreef Khan.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.115 dated 28.07.2023 registered for the offences punishable under Sections 22, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Barnala, District Barnala.

2. Custody Certificate of the petitioner has been produced. The same is taken on record.

3. One Amrit Pal was apprehended and found to be in possession of 50 strips of intoxicating capsules labelled Pregabalin Capsules IP 300 mg, each strip containing 15 capsules, 750 capsules in total, and loose intoxicating tablets, 1040 Nos.. The petitioner is stated to have been nominated by him to be one of his regular customers. Reliance is being

placed upon **Vijay Singh vs. State of Haryana, Special Leave to Appeal (Crl.) No.1266/2023** wherein the petitioner was extended pre-arrest bail observing as under :

“The petitioner is alleged to have committed offences under Sections 15 & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act). His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the coaccused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed.

All the pending applications are disposed of.”

4. Bail plea of the petitioner is opposed by State Counsel who submits that as per the custody certificate there are three more FIRs pending against her and the petitioner has also earned conviction under the NDPS Act.
5. Counsel for the petitioner submits that the said conviction under NDPS Act is w.r.t. being in possession of 2 grams of smack.
6. State Counsel further submits that apart from disclosure there is an extra judicial confession made by the present petitioner before one Ajay Kumar.

7. Counsel for the State was asked to read the statement. As per the said statement the petitioner only expressed her apprehension that she will also be named by Amrit Pal. However there is no disclosure/confession by the petitioner that she is involved in the present offence in any manner.

8. I have heard counsel for the parties and have gone through records of the case.

9. Without commenting on the merits of the case, keeping in view the aforesaid facts and the dictum of law laid down by Apex Court in **Tofan Singh vs. State of Tamil Nadu, (2021) 4 SCC 1**, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

10. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any with the trial Court.

- (vi) The petitioner shall give her cellphone number to the police authorities and shall not change her cell-phone number without permission of the trial Court.
- (vii) The petitioner shall not in any manner try to delay the trial.

11. In case of breach of any of the aforesaid conditions and those which may be imposed by the Trial Court, the prosecution shall be at liberty to move cancellation of bail of the petitioner.

12. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 18, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No