

(214) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-60347-2022
Date of Decision: 09.03.2023

TWINKLE

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kuldeep Singh, Advocate for
Mr. Abdul Aziz, Advocate
for the petitioner.

Mr. Shubham Kaushik, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.87 dated 05.07.2022 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station Sadar Ahmedgarh, District Malerkotla.

2. The brief facts of the case are that an FIR No.87 dated 05.07.2022 under Sections 22/61/85 NDPS Act at Police Station Sadar Ahmedgarh was registered on the basis of a *ruqa* sent by ASI Harbax Singh in which it was alleged that on 05.07.2022, he (ASI Harbax Singh) along with the police party were present at village Saroud in connection with patrolling and checking of bad elements. Secret information was received that Gurjeet Singh @ Bhamiri son of Gurmeet Singh, son-in-law of Kewal

Singh was coming from village Khanpur for supplying intoxicating tablets and a if *Nakabandi* was done, he could be apprehended. Pursuant to the holding of the *Nakabandi*, Gurjeet Singh @ Bhamiri came to be arrested and the recovery of 26 strips, each strip containing 20/20 tablets i.e. total 520 tablets make Buprenorphine and Naloxone Sublingual tablets, USP Bupwin (N-04) bearing batch No.6102101, Mfg. May-2021 Exp. Apr-2024 and 50 strips each strip containing 10/10 tablets i.e. total 500 tablets make Buprenorphine and Naloxone Tablets, USP Bupwin (N-2) bearing batch No.6102101 Mfg. May-2021, Exp. Apr-2024 i.e. total 1020 tablets were effected.

During the course of investigation, Gurjeet Singh alias Bhamiri disclosed that he along with his wife Twinkle (present petitioner) had been bringing intoxicating material and supplying the same further. After he and his wife Twinkle had purchased intoxicating tablets from an unknown person at Rajpura, he had handed over the same to his wife Twinkle (petitioner).

Based on the said statement, the petitioner was nominated as an accused.

Thereafter, on 07.07.2022, the petitioner was arrested in FIR No.89 dated 07.07.2022 under Sections 22/61/85 NDPS Act at Police Station Sadar Ahmedgarh and 400 tablets were shown to have been recovered from her.

3. The learned counsel for the petitioner contends that once the petitioner had already been nominated as an accused in FIR No.87 dated 05.07.2022 on the basis of the disclosure statement of her husband, there was

no requirement of the registration of a subsequent FIR No.89 dated 07.07.2022. At best, the petitioner ought to have been arrested in the present case and the contraband recovered. He, however, states that in FIR No.89 dated 07.07.2022, she has been granted the concession of bail vide order dated 21.11.2022 by the Court of Judge, Special Court, Sangrur (Annexure P-2). Since the petitioner was in custody since 07.07.2022, none of the 15 prosecution witnesses had been examined so far and she was a lady, she was entitled to the grant of bail.

4. A reply dated 09.03.2023 by way of an affidavit of Davinder Singh, PPS, DSP, PBI, NDPS-cum-Narcotics, Malerkotla, Additional Charge as DSP, Sub Division Ahmedgarh, District Malerkotla has been filed on behalf of the State by the learned counsel for the State. The same is taken on record. He contends that the petitioner is also involved in FIR No.89 dated 07.07.2022 under Sections 22/61/85 NDPS Act at Police Station Sadar Ahmedgarh. Therefore, she was not entitled to the grant of bail. He however, fairly concedes that in the instant case, no recovery of any contraband has been effected from her and in FIR No.89 dated 05.07.2022, she has been granted the concession of bail.

5. I have heard the learned counsel for the parties at length.

6. It would be a matter of adjudicating during Trial as to whether the petitioner ought to have been arrested in FIR No.87 dated 05.07.2022 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station Sadar Ahmedgarh, District Malerkotla in which she had been named in a disclosure statement or a subsequent FIR No.89 dated 07.07.2022 could have

been registered against her in which non-commercial quantity of contraband has been shown to be recovered and she has been granted the concession of bail. At this stage, the petitioner is stated to be in custody since 07.07.2022. None of the 15 prosecution witnesses have been examined so far and the petitioner is a lady. Therefore, her further incarceration is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Twinkle daughter of Kewal Singh is ordered to be released on bail subject to her furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that she is not involved in any other crime other than the cases mentioned in this order.

9. In addition, the petitioner (or anyone on her behalf) shall prepare an FDR in the sum of Rs.50,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited, as per law, in case of the absence of the petitioner from Trial without sufficient cause.

10. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

09.03.2023

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No