

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13501-2024
Date of Decision:20.03.2024

Jaskaran @ Jaskaran Kaur ...Petitioner

vs.

State of Punjab ...Respondent

Coram : Hon’ble Mr. Justice N.S.Shekhawat

Present : Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Deepinder Brar, Sr. DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 439 Cr.PC with a prayer to grant regular bail to her in case FIR No. 285 dated 15.09.2023, registered under Sections 21-C, 25 and 29 of NDPS Act, Police Station Special Task Force. (Annexure P-1).
2. Learned counsel for the petitioner contends that as per the case of the prosecution, on the basis of a secret information, Gurjant Singh @ Paras and Paramjit Kaur, co-accused were arrested by the police and 01 Kg of heroin was recovered from the conscious possession of both the said accused,without any permit of license. As per the case of the prosecution, during the course of investigation, Paramjit Kaur had suffered a disclosure statement and named the present petitioner as one of the accused. Learned counsel for the petitioner further contends that petitioner was wrongly arrested in the present case on 16.09.2023 and is in custody for the last more than 06 months. He next cotends

that except disclosure statement suffered by co-accused Paramjit Kaur, there is no other admissible evidence against the petitioner. Even, after arrest of the petitioner no recovery was effected from the present petitioner. He further contends that the petitioner is a young girl and deserves sympathetic consideration by this Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the petitioner had actively participated in the commission of crime with her co-accused. Even there was call details between the petitioner and her co-accused and as per the tower location of the mobile phone of the petitioner, she was roaming in the said area, from where Paramjit Kaur and Gurjant Singh @ Paras were arrested by the police.

4. I have heard the learned counsel for the parties and perused the record.

5. The petitioner has not been named in the FIR and has been arrayed as an accused on the basis of the disclosure statement made by Paramjit Kaur, co-accused. However, no recovery was effected from the conscious possession of the present petitioner. Further, the prosecution has placed reliance on 16 witnesses, however, no witness has been examined so far.

6. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on her furnishing bail bonds and surety to the satisfaction of the concerned trial Court/ Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the

Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender her passport, if any, (if already not surrendered), and in case she is not holder of the same, she shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning her ordinary place of residence and number of mobile phone, which shall be used by her during the pendency of the trial. In case of change of place of residence/mobile number, she shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

7. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to her shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

20.03.2024
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(N.S.SHEKHAWAT)
JUDGE

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