

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.15319 of 2024
Date of decision: 4th April, 2024

Kans Kaur
... Petitioner

Versus

State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Harmanpreet Singh, Advocate for the petitioner.
Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.15 dated 20.01.2024 under Sections 21C, 23, 27A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sections 212, 216 of the IPC registered at Police Station Gate Hakima, Police Commissionerate Amritsar.
2. Learned counsel for the petitioner inter alia contends that the petitioner, who is a 65 year old woman, has clean antecedents; on being arrested on 28.01.2024 no recovery of any contraband much less Heroin was effected from her. It has also been submitted that no secret information was received by the police qua her. It has still further been submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused, i.e. her

nephews Manjeet Singh and Lovejit Singh, qua whom the secret information had been received; as per the disclosure statement the sale proceeds of Heroin were being handed over to the petitioner by the co-accused. Learned counsel has still further submitted that the disclosure statement, on the basis of which the petitioner has been nominated as an accused, cannot be relied upon, and since there is no supporting evidence in the shape of any recovery of contraband effected from the petitioner on being arrested, it further renders the evidentiary value of this disclosure statement extremely weak.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has submitted that no doubt no secret information was received with respect to the role of the petitioner in drug trafficking, however, both the co-accused are her nephews, who had been specifically named in the secret information; the co-accused were part of a drug syndicate which had been procuring drugs from across the border. It has also been submitted that co-accused would hand over the proceeds of crime to the petitioner.

4. On a pointed query put to the learned State counsel as to whether any sum of money (proceeds of crime) was recovered from the petitioner, he on instructions, has replied in the negative. However, it has been submitted by the learned State counsel that the car used by the nephews of the petitioner while transporting the alleged narcotic substances, was recovered from the possession of the petitioner, and it

was thus, discernible that the petitioner had been harboring her nephews i.e. the co-accused.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Other than the purported disclosure statement made by co-accused, no recovery of contraband has been effected from the petitioner, neither any proceeds of crime have been recovered from her. She has been in custody since 28.01.2024, hence, there is no likelihood of the trial concluding in the near future. Admittedly, the petitioner is not involved in any other criminal case, much less under the NDPS Act. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to add here, in case the petitioner misuses the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

April 4, 2024
rps

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