



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CRM-M-18605-2024

Date of decision: 09.05.2024

Manjeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Vijay Lath, Advocate and
Mr. Ajay Singh Dhiman, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.0097 dated 19.10.2023 under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) (for short, 'the NDPS Act') registered at Police Station Sadar Rupnagar, District Rupnagar.

2. Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the instant case on the basis of a disclosure statement allegedly suffered by co-accused Mandeep Singh @ Mani from whom a recovery of 14 injections of Leegestic was allegedly effected while he was riding his scooter. Learned counsel submits that it was a case of chance recovery and there was no secret information received against the co-accused much less against the petitioner. He submits that the disclosure statement on the basis of



which the petitioner has been arraigned as an accused has very poor evidentiary value and all this needs to be appreciated from the fact that when she was arrested on 18.12.2023, no recovery of any contraband much less intoxicant injections was effected from her. Learned counsel submits that the petitioner, who is a lady, has now been in custody since 18.12.2023 and the likelihood of the trial concluding in the near future does not seem possible hence, she be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer made by learned counsel for the petitioner, on instructions from ASI Kanwar Raj Singh, has not been able to dispute that it was on suspicion, co-accused Mandeep Singh was apprehended and then alleged recovery effected from him. It has also not been disputed by the learned State counsel that on being arrested, no recovery was either effected from the conscious possession of the petitioner or even pursuant to any disclosure statement made by her. Learned State counsel, however, has submitted that the petitioner has been previously involved in three other criminal cases, however, in two cases under the NDPS Act she has been acquitted. Learned State counsel has also not disputed that the evidence is underway and the next date fixed before the learned Trial Court is 21.05.2024 when remaining prosecution witnesses in all likelihood would be examined.

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

5. In the facts and circumstances as enumerated hereinabove,



further incarceration of the petitioner would serve no useful purpose as the trial would take considerable time to conclude. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

6. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

09.05.2024

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

Whether reportable

:

Yes/No

:

Yes/No