

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM-M-19181-2024
Date of Decision : April 26, 2024

Manjit Kaur @ Bitto

.. Petitioner

Versus

State of Punjab

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Suresh Kumar Arya, Advocate, for the petitioner.
Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed under Section 439 Cr.P.C for the grant of regular bail to the petitioner in respect of FIR No.84 dated 18.06.2023 registered under Section 21 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station Sadar Dhuri, District Sangrur, Punjab.
2. Learned counsel for the petitioner submits that the petitioner was not named in the FIR but has been roped in the present case only on the basis of disclosure statement of co-accused and no recovery of contraband has been done from the petitioner hence, as the investigation is already completed and challan has already been presented, the petitioner may kindly be granted the concession of regular bail as the trial is likely to take some time before it concludes especially when the charges are yet to be

framed/proved.

3. Notice of motion.

4. Mr. Rohit Ahuja, learned Deputy Advocate General, Punjab, accepts notice on behalf of respondent-State.

5. Learned State counsel does not dispute the fact that the petitioner was not named in the FIR as well as concede the fact that no recovery of contraband has been done from the petitioner. Learned State counsel submits that the petitioner is involved in other three cases relating to the NDPS Act hence, as the petitioner is a habitual offender, the claim of the petitioner for the grant of regular bail may kindly be declined.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. For granting the bail, the FIR and the facts which have come during the investigation qua the said FIR, are to be seen. In the present FIR, the petitioner is not named and no recovery of contraband has been done from her and she has been roped in the present case only on the basis of the disclosure statement made by the co-accused and that too given before the police, which *ipso facto* is not admissible. Further, the investigation is already over and the challan has already been presented and the trial is likely to take some time before it concludes hence, keeping in view the totality of the circumstances, no justifiable purpose will be achieved in keeping the petitioner behind the bars during the entire period of trial especially when learned counsel for the petitioner has undertaken before this Court that in case the petitioner is granted the benefit of regular bail, she will not influence the trial or the witnesses in any manner and in case of default of the above undertaking, State will be at liberty to approach this Court for passing appropriate orders.

8. In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned unless and until required to be kept behind the bars in any other case.

9. However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

April 26, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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