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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-20733-2024

Date of Decision: 29.11.2024

Rekha Rani

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Mikhail Kad, Advocate, for the petitioner.
Ms. Avneet, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to her in case FIR No.113 dated 24.08.2023 registered under Sections 21/29 of NDPS Act and Sections 25, 54 of Arms Act, at Police Station Amargarh, District Malerkotla (earlier District Sangrur), till the decision of the case.

2. Learned counsel for the petitioner contends that as per the version of the prosecution, Shampy Singh, Baljit Singh @ Bantu, Ravi Singh @ Ajay and Ravi Singh were apprehended by the police, while they were carrying 500 grams of heroin in their car. After their arrest, another 255 grams of heroin, Rs. 2 lacs as drug money and one pistol were also recovered from Shampy Singh, co-accused. Learned counsel for the petitioner further submits that the petitioner was not initially named in the FIR and has been nominated as an accused on the basis of the disclosure statement suffered by Ravi Singh @ Ajay and Shampy Singh. He further contends that as per order passed by this Court on 04.04.2024 (Annexure P-3), the petitioner was surrendered on 12.04.2024. After completion



of the investigation, challan has already been presented against the petitioner. He further contends that even though, the petitioner is involved in three more cases, but the petitioner is on bail in all three cases. Learned counsel further contends that except the disclosure statement suffered by co-accused, it has been weak evidentiary value, there is no other evidence to connect the petitioner with the crime.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is a habitual offender and may get involved in other cases.

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

5. In the present case, admittedly, the recovery has taken place from the co-accused, namely, Shampy Singh, Baljit Singh @ Bantu, Ravi Singh @ Ajay and Ravi Singh. The name of the petitioner was surfaced in the statements of various co-accused, in police custody and the admissibility of such statements is yet to be adjudicated by the trial Court. In the present case, no recovery of contraband was made from the petitioner and the petitioner is in custody for the last more than 07 months.

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

(viii) The petitioner shall report every 1st Monday in English calander month to the concerned SHO till the conclusion of the trial and SHO shall mark her presence by making an entry in the rojnamcha. In case, she does not report on every 1st Monday to the concerned SHO, it shall be viewed seriously and the concession granted to her shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

(N.S.SHEKHAWAT)
JUDGE

29.11.2024.
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No