



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.46575 of 2024
Date of decision: 6th November, 2024

Karamjit Kaur
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Amit Arora, Advocate for the petitioner.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 of BNSS in case FIR No.16 dated 07.02.2024 under Section 304 of the IPC (Section 21(b) of the NDPS Act added later on) registered at Police Station Sadar Tarn Taran, District Tarn Taran.
2. Learned counsel for the petitioner inter alia contends that one Jajbir Singh, who was stated to be a drug addict, died on account of an overdose of intoxicants and his dead-body was found lying in a Tile factory; thereafter, the complainant (mother of the deceased, Jajbir Singh) lodged the FIR alleging that her son had died on account of the intoxicant supplied to him by the petitioner. Learned counsel has submitted that totally vague allegations have been levelled against the petitioner of having supplied intoxicant to the deceased, as there was no

material on record collected by the prosecution from which it could be even remotely discerned that the intoxicant, which led to death of the deceased, had been supplied by the petitioner. It has been argued that even as per the case of the complainant herself, her son i.e. the deceased, was a drug addict, hence the petitioner, in the given circumstances, could not be blamed for the unfortunate death of the deceased. Learned counsel has submitted that when the petitioner was arrested on 20.06.2024, no recovery of any contraband was affected from her, however, a recovery of 20 grams of Heroin was thereafter planted, and that too pursuant to the alleged disclosure statement made by the petitioner. Learned counsel has asserted that the disclosure statement, on the basis of which the alleged recovery was affected, does not even hold much evidentiary value.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions, has not disputed the custody period of the petitioner, however, he has reiterated the allegations levelled in the FIR, which stands reproduced hereunder:

*“Statement of Baljit Kaur wife of Fateh Singh resident of village Aladinpur aged about 50 years mobile No.62848-66394. It is stated that I am resident of above-mentioned address and is doing household work. My son Jajbir Singh aged about 32 years who is a drug addict yesterday on dated 06.02.2024 at about 04:30 pm in the evening have gone to the house of **Karamjit Kaur** alias Jatti wife of Late Surinder Singh alias Kairon resident of village Jodhpur from his house at village Jodhpur as on earlier occasion also he used to go to her house for taking*

*the drugs. That someone called me on phone stating that your son Jajbir Singh has got expired in the house of **Karamjit Kaur** because of taking intoxicant injection and she has thrown him in the Jodhpur tile factory. That I reached in the tile factory Jodhpur which is lying vacant and there I saw that the dead body of my son Jajbir Singh was lying. That I with the help of other people got his body lifted and brought back to my house and **Karamjit Kaur** has ran away from her house. That I was coming to give information to you and you met me on the way. Thus, statement has been got recorded. That my son Jajbir Singh has got expired due to the injection taken by him of drug overdose which he has taken from **Karamjit Kaur** and thus, the appropriate legal action may kindly be taken against her. Statement has been got recorded which has been read over and same is admitted to be true. Sd./ - Baljit Kaur”*

4. Learned State counsel, on instructions, has submitted that no doubt the deceased, as per the complainant, was also a drug addict, but it is the petitioner who had supplied him the intoxicant which then he consumed leading to his death. Learned State counsel, on further instructions, has submitted that investigation in the instant case is complete as challan stands presented; the next date of hearing fixed before the trial Court is 13.11.2024 when charges are likely to be framed.

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

6. Admittedly, no recovery of any contraband was affected from the petitioner when she was arrested on 20.06.2024. The trial will

take a considerable time to conclude as charges are yet to be framed and 18 witnesses have been cited by the prosecution. 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

November 6, 2024

rps

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