

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.55695 of 2023  
Date of decision: 9<sup>th</sup> April, 2024

Sukhi

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Parminder S. Sekhon, 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 439 Cr.P.C. in case FIR No.31 dated 08.03.2023 under Sections 21, 29, 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Dhuri, District Sangrur.

2. Learned counsel for the petitioner inter alia contends that no doubt the petitioner has previously been involved in cases under the NDPS Act, however, it is a matter of record that she stands acquitted in one of those cases while in the second case she had been discharged after payment of fine. While drawing the attention of this Court to the allegations levelled in the FIR, which has been annexed as Annexure P-1, learned counsel has further submitted that allegedly a secret

information was received qua the petitioner and two of her co-accused that they were indulging in drug trafficking; on the fateful day, i.e. 08.03.2023, pursuant to the alleged secret information received, when a car bearing registration No.DL-08C-AK-9502 was intercepted by the police, the petitioner was admittedly not present along with the co-accused from whom a recovery of 270 grams of Heroin was affected; the petitioner was arrested subsequently on 10.03.2023 who allegedly suffered a disclosure statement, pursuant to which a recovery of 30 grams of Heroin was affected from an abandoned place, which was neither owned by the petitioner nor even in close vicinity of her house. Hence, it was abundantly clear that she had been falsely roped in the present case and a false recovery of contraband i.e. 30 grams of Heroin, which is small quantity as per the NDPS Act, planted upon her. Learned counsel has also submitted that after the petitioner was arrested on 10.03.2023, not only had the challan been presented and charges framed, but only 3 prosecution witnesses out of the 19 cited had been examined; in the circumstances, possibility of the trial concluding in the near future looked remote.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from HC Jagdeep Singh, has submitted that it is a matter of record that the petitioner has criminal antecedents, which is evident from the custody

certificate, which has been placed on record today. Learned State counsel has not disputed that in two out of the three cases previously registered under the NDPS Act against the petitioner, she had been acquitted/discharged after paying a fine, however, one case under the NDPS Act was still pending against her. Learned State counsel has further submitted that in the secret information, which was received by the police, not only were the two accused specifically named but even the petitioner had been named; no doubt the petitioner was not accompanying the co-accused when the alleged recovery of 270 grams of Heroin was affected from them, however subsequently, it was only pursuant to her disclosure statement recovery of 30 grams of Heroin was affected; there was no occasion for the police to plant the said recovery upon the petitioner. Learned State counsel, however, has not been able to controvert the stage of the trial and has submitted that the next date of hearing fixed before the trial Court is 09.05.2024, when some more prosecution witnesses are likely to be examined.

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

5. In the facts and circumstances as enumerated hereinabove, particularly in view of recovery of only 30 grams of Heroin having been allegedly affected from the petitioner and that too, from an abandoned plot of land, not owned by the petitioner, this Court 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.

(MANJARI NEHRU KAUL)

JUDGE

April 9, 2024

*rps*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |