



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

CRM-M-58409-2024 (O&M)

Date of decision: 12.12.2024

Ayudhaya @ Ayudiya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Raghav Chadha, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

CRM-48950-2024

Application is allowed as prayed for.

CRM-M-58409-2024

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.39 dated 09.04.2024, under Sections 21(C), 27 and 29 of NDPS Act, registered at Police Station Sadar Gurdaspur, District Gurdaspur.

2. The allegations in nutshell are that on 09.04.2024, police apprehended Kamlesh, Reena and Vishal who were traveling in I20 car No. PB-06AM-7877 and 255 grams of heroin was recovered from dash board of the said car. The present petitioner who is a lady aged about 33 years was nominated as accused on the basis of disclosure statement suffered by co-accused Vishal and resultantly, the petitioner was arrested in this case on



28.09.2024.

3. Counsel for the petitioner inter alia submits that the petitioner is falsely implicated in the present case on the basis of alleged disclosure statement suffered by co-accused and the same is inadmissible in evidence. It is further submitted that the petitioner is in custody for the last more than 2 months and is presently lodged in judicial custody and no contraband was recovered in the present case, at the instance of the petitioner. On completion of investigation, the police has already presented challan against the present petitioner but it will take time for the trial to conclude. Counsel for the petitioner further submits that even otherwise the petitioner is about 5 months pregnant, as is evident from Annexure P-5 and requires proper medical care. So, prayer is made that the petitioner be released on regular bail, pending trial.

4. The State counsel has furnished the medical status report by way of affidavit of Rahul Raja, Superintendent, Central Jail, Gurdaspur along with medical report submitted by medical officer of the concerned jail.

5. The State counsel while resisting the present petition inter alia submits that the petitioner is nominated as accused in the present case on the basis of disclosure statement suffered by co-accused Vishal and further the petitioner is having criminal history being involved in one another case under NDPS Act. However, the State counsel has not refuted the fact that the presently, the petitioner is pregnant, as is detailed in medical report Annexure R-1.

6. I have considered the submissions made by counsel for the



parties.

7. Apparently, the petitioner was nominated as accused on the basis of disclosure statement suffered by co-accused Vishal. The veracity and relevance of the said disclosure statement will be tested during trial. The petitioner is incarcerated for the last more than two months and 10 days and presently lodged in judicial custody and during investigation, no contraband was recovered from the present petitioner. On completion of investigation, police has presented the challan against the petitioner but it will take time for the trial to terminate. Further, as per the medical report Annexure R-1 submitted on behalf of the State, it is clear that the petitioner is presently pregnant. No doubt, her medical condition is stable and her vitals are normal, still she requires proper care and attention. In the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

CRM-48951-2024

Application is disposed of having been rendered infructuous.

12.12.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**