

2025:PHHC:083111



241.

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

CRM-M-6748-2025

Date of decision: 10.07.2025

Harjinder Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Hitesh Chopra, Advocate, (through Video Conferencing)
and Mr. Amit Kumar, Advocate, for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. Prayer in this petition filed under Section 439 of Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.105, dated 17.07.2024, under Sections 21 and 29 of NDPS Act (Section 27 of NDPS Act added lateron), registered at Police Station STF, District STF Wing, Mohali.

2. Learned counsel for the petitioner submits that false implication of the petitioner in the instant FIR is evident from the fact that she has no previous criminal antecedents much less having ever been booked in a case under the NDPS Act. It has been contended that although a secret information was allegedly received by the police qua the involvement of co-accused, Gurmeet Singh and Navdeep Kaur in drug trafficking, pursuant to which, a recovery of 440 grams of heroin was effected, however, no such secret information was received qua the involvement of the petitioner; the petitioner came to be nominated as an

accused following interrogation of co-accused, Gagandeep Singh, who claimed that the petitioner (mother of accused, Gagandeep Singh) had kept 1 kg 500 grams of heroin at his residence. It has been argued by the counsel that the disclosure statement on the basis of which the petitioner has been arraigned as an accused in the present case holds little evidentiary value and it also needs to be appreciated in the light of no recovery of any contraband having been made from the conscious possession of the petitioner following the disclosure statement of co-accused, Gagandeep Singh.

3. On being pointedly asked as to in whose name was the activa scooter registered, he submits that it is in the name of the son of the petitioner, co-accused, Gagandeep Singh.

4. It has still been apprised by the learned counsel that identically placed co-accused, Gulshan Kaur, who too was nominated following the disclosure statement by Navdeep Kaur had since been extended the concession of bail. Hence, the petitioner also deserves similar relief.

5. *Per contra*, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Dashmesh Singh, has not disputed that the petitioner was not named in the secret information and furthermore, following the petitioner's name cropping up in the disclosure statement of co-accused, Gagandeep Singh, the recovery of 1 kg 500 grams of heroin was made from an activa scooter which was parked in the house of the petitioner and was in the name of her son i.e. co-accused, Gagandeep Singh.

6. On further query, it has not been disputed that the petitioner has no previous criminal antecedents much less having ever been booked under the NDPS Act. Qua the stage of trial, learned counsel has submitted that although investigation is complete and challan stands presented, the trial has not proceeded thereafter and the next date fixed before the Trial Court is 18.07.2025 when charges are likely to be framed. It has also been brought to the notice of this Court that as many as 26 prosecution witnesses have been cited.

7. I have heard learned counsel for the parties and perused the material placed on record.

8. As not disputed by the learned State counsel, on instructions, that investigation in the present case is complete with challan having been presented against all the accused, including the petitioner, no recovery of any contraband much less heroin was made from the person of the petitioner following her name surfacing in the disclosure statement of her son, co-accused, Gagandeep Singh, who was apprehended by the police following a specific secret information qua him only. The trial would take considerable time to conclude with as many as 26 prosecution witnesses having been cited.

9. In the circumstances, further incarceration of the petitioner would serve no useful purpose.

10. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

11. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, the Trial Court may impose any additional condition as it deems fit.
12. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
13. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same forthwith.

(MANJARI NEHRU KAUL)
JUDGE

July 10, 2025
sanjeev

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