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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-9767-2025
Date of decision:-26.05.2025

TAMANNA JOSHI @ TAMANNA RAI
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Ruhani Chadha, Advocate for the petitioner.
Mr. K.D.Sachdeva, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant second petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
144	17.09.2024	21-A of NDPS Act (29 of NDPS Act and 61(2) of BNS added lateron)	STF Wingh SAS Nagar, Mohali

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is a lady aged about 30 years having no criminal antecedents, has been falsely implicated in this case, without there being any role in the alleged FIR. He contends that the petitioner is not named in the FIR nor any specific overt is attributed to her, in fact on the basis of some information, the police had registered the case against co-accused Gursahib Singh @ Saba and from his residential room 460 gram of heroin was recovered. Consequent to his disclosure statement, the police nominated and



arrested Lakhwinder Singh, who however disclosed the name of the petitioner along with Harbans Rai, Nitin Pal and Dolly in his second disclosure statement, although the petitioner has no concern with the said recovery. He submits that the petitioner has been named in the instant FIR at the instance of Gurshaib Singh with whom the petitioner was in live-in relationship but from some time they were not having cordial relationship. Even one criminal case has been got registered at the instance of Gurshaib Singh against the petitioner. He contends that the petitioner is not having any concern with the recovery effected from Gurshaib Singh and has been arrested in this case on 18.09.2024, since then she is in custody, after completion investigation, challan has already been presented in Court and trial is going on and the conclusion thereof, will take sufficient long time. Hence prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that petitioner has been specifically nominated in the disclosure statement of co-accused Gurshaib Singh, hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it is observed that admittedly the petitioner was not named in the FIR but has been nominated on the second disclosure statement made by co-accused Lakhwinder Singh who too was nominated on the disclosure Statement of Gurshaib Singh from whose room contraband was recovered. It is also not disputed that consequent upon the petitioner being nominated and arrested in the present case on 18.09.2024, no contraband has been recovered from her. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 21 witnesses and till date none of them

have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. The evidentiary value of the disclosure statement is debatable, as such, no purpose would be served by detaining the petitioner any longer in custody.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, after her release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

26.05.2025

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |