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

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**CRM-M-34503 of 2025  
Date of Decision: 27.08.2025**

Kamaljit Kaur

**....Petitioner**

Versus

State of Punjab

**....Respondent**

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. H.S. Bhogal, Advocate for the petitioner.

Mr. Satvir Mander, AAG, Punjab.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.020 dated 13.03.2025 registered under Sections 22, 29 and 31 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Chabbewal, District Hoshiarpur.

2. Brief facts of the present case are that as per the prosecution, on 13.03.2025, ASI Paramjit Singh, along with his fellow police officials was on patrolling duty and on suspicion, apprehended one co-accused Karnail Singh who was found in conscious possession of 108 grams of intoxicant powder.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and she has not committed any such offence. He argued that neither the petitioner was present at the



spot nor was named in the FIR. The petitioner was nominated as an accused on the basis of disclosure statement made by the co-accused Karnail Singh. Apart from the disclosure statement, there is no other evidence to connect the petitioner with the offence in question and it is a trite law that disclosure statement of the co-accused during his custodial interrogation is not admissible. No recovery has been effected from her. The petitioner is in custody since 13.03.2025. He further submits that the trial may take a long time to conclude and no useful purpose would be served by keeping her behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Notice of motion.

5. Learned State counsel, who has appeared on advance notice of the petition, filed the custody certificate of the petitioner, which is taken on record. He has vehemently opposed the prayer for bail, stating that the offence committed by the petitioner is serious in nature. As per the FSL report, the recovered contraband was Alprazolam and the same falls within commercial quantity. He has further submitted that the petitioner has involved in four more cases of similar nature. However, he has not controverted the fact that she is on bail in all the said cases.

6. Having heard learned counsel for the parties at length and after perusing the record of the case, it is found that the petitioner is in custody for the last more than 05 months and the trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.



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7. At this juncture, it would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court titled as '**Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592**', relevant whereof reads as under:

*"155. We answer the reference by stating: (i) That the officers who are invested with powers under section 53 of the NDPS Act are "police officers within the meaning of section 25 of the Evidence Act, as a result of which any confessional statement made to them would be barred under the provisions of section 25 of the Evidence Act, and cannot be taken into account in order to convict an accused under the NDPS Act (ii) That a statement recorded under section 67 of the NDPS Act cannot be used as a confessional statement in the trial of an offence under the NDPS ACT".*

8. More recently, the Hon'ble Supreme Court in a judgment titled as '**Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Bapu Vs. State of Gujarat, Narcotics Control Bureau' 2024 INSC 290**', has reiterated the ratio decidendi of the judgment of Hon'ble Supreme Court in the case of Tofan Singh (supra).

9. The Hon'ble Supreme Court while dealing with a plea for grant of anticipatory bail in a case under NDPS Act, 1985; in a judgment titled as '**Vijay Singh vs. The State of Haryana, bearing Special Leave to Appeal (Crl.) No.(s)1266/2023 decided on 17.05.2023**' has held as under:

*"The petitioner is alleged to have committed offences under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter called the NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are that 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-*



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*accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under the NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail. Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose. The petition is allowed. All pending applications are disposed of."*

10. The petitioner is sought to be arrayed solely on the basis of disclosure statement of the co-accused. Suffice to say there is no other material available to connect the petitioner with the recovered contraband. The veracity of the disclosure statement made by the co-accused will be subject to comprehensive scrutiny during the course of the trial and same cannot be a ground to decline the concession of regular bail to the petitioner.

11. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

27.08.2025

D.Bansal

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