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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38656-2025
Decided on : 03.12.2025

Surjit Kaur @ Seeto @ Sito . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ramandeep, Advocate and
Mr. G.S. Jagpal, Advocate
for the petitioner(s).

Mr. Sukhbeer Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Surjit Kaur @ Seeto @ Sito	21	01.03.2025	22 of NDPS Act, 1985 [S. 29, 31/61/85 of NDPS Act added later on]	City Samana	Patiala

2. As per the case of the prosecution, recovery of 1009 loose intoxicating tablets, containing Alprazolam salt, was effected from the main accused, namely Vijay Kumar, from a black coloured polythene bag which he was carrying in his hand. After the arrest of the said accused, it was confirmed that the tablets contained Alprazolam salt weighing 120.071 grams, which is 20.071 grams more than the maximum limit of non-



commercial quantity.

Thus, learned counsel argues that after the arrest of the main accused and registration of the FIR, the prosecution developed its case by recording the disclosure statement of already arrested accused – Vijay Kumar, wherein the petitioner has been projected as the supplier of the Alprazolam tablets recovered from accused Vijay Kumar.

3. Learned counsel contends that except for the said disclosure statement, there is no other connecting evidence available with the prosecution to substantiate its allegation/charge. Neither any telephonic conversation nor any details of monetary transactions have been appended along with the challan. Therefore, solely relying upon the disclosure statement of the co-accused Vijay Kumar would not be sufficient for the prosecution to prove the charges. It has been repeatedly held by the Hon'ble Apex Court that conviction cannot be based solely on the disclosure statement of a co-accused. Hence, learned counsel prays for the grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the status report dated 12.10.2025 in the Court today, which is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

A copy thereof has been supplied to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that the petitioner is a habitual offender, as she is found involved in six other cases under the NDPS Act, and in one of them she has already been convicted, whereas in two cases she has been acquitted, and



three cases are under trial.

In support of his contention, learned State counsel refers to paragraph No. 25 of the status report, wherein the details of NDPS cases registered against the petitioner have been furnished. For ready reference, the same are reproduced here-under:-

<i>Sr. No.</i>	<i>FIR details</i>	<i>Present status</i>
<i>1</i>	<i>FIR No. 165, dated 17.07.1995, u/s 15/61/85 of NDPS Act, P.S. Samana, District Patiala</i>	<i>Convicted on dated 02.03.2001 (undergone)</i>
<i>2</i>	<i>FIR No.47, dated 16.04.2005, u/s 15/61/85 of NDPS Act, P.S. Guhla, District Kaithal</i>	<i>Acquitted on dated 07.05.2010</i>
<i>3</i>	<i>FIR No.238, dated 28.06.2010, u/s 21 of NDPS Act, P.S. Samana, District Patiala</i>	<i>Acquitted on dated 12.05.2012</i>
<i>4</i>	<i>FIR No.93, dated 05.07.2020, u/s 22/29 of NDPS Act, P.S. City Samana, District Patiala</i>	<i>Under Trial</i>
<i>5</i>	<i>FIR No.89, dated 29.08.2023, u/s 21/61/85 of NDPS Act, P.S. City Samana, District Patiala</i>	<i>Under Trial</i>
<i>6</i>	<i>FIR No.13, dated 15.02.2023, u/s 21 of NDPS Act, P.S. City Samana, District Patiala</i>	<i>Under Trial</i>

Therefore, learned State counsel submits that keeping in view the antecedents of the petitioner and the gravity of the offence, she does not deserve the concession of bail at this stage.

However, learned State counsel fairly concedes that the petitioner is inside jail since 19.04.2025, i.e., for a period of about seven months and fourteen days. He also does not dispute that upon completion of investigation, the challan has already been presented, and now the case is at the stage of recording prosecution witnesses before the learned trial Court.

6. I have heard learned counsel for the parties and perused the material available on record.

7. It is an admitted position that no recovery was effected from the



possession of the petitioner at the time of her arrest in the present case. It has also not been disputed that except for the disclosure statement, there is no substantial evidence presently available with the prosecution to connect the petitioner with the alleged contraband.

This Court has also taken note of the involvement of the petitioner in six other NDPS cases. As per the status report, petitioner stands acquitted in FIR No. 47 dated 16.04.2005 and FIR No. 238 dated 28.06.2010. In one case she was convicted but has already undergone the sentence period, whereas in the remaining three cases, the trial is pending.

The petitioner's implication herein is primarily based upon the disclosure statement of a co-accused from whose possession the recovery was effected. The evidentiary value of such a disclosure statement, by itself, would be a matter for adjudication during trial. This Court is also conscious of the fact that further incarceration of the petitioner would not be justified, when investigation stands completed and the trial is likely to take considerable time to conclude.

In view of the totality of the circumstances, and without commenting on the merits of the case, this Court deems it appropriate to extend the concession of regular bail to the petitioner. Accordingly, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly



or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 03, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No