



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

225

CRM-M-57291-2024

Date of decision: January 8th, 2025

Gulshan Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Himanshu Chhabra and
Mr. Chanpreet Singh, Advocates
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail in case
FIR No.105 dated 17.07.2024 under Sections 21, 27 and 29 of the
NDPS Act registered at Police Station Special Task Force, District STF
Wing, S.A.S. Nagar.

2. Learned counsel for the petitioner submits that the false
implication of the petitioner in the FIR in question is evident from the
fact that no recovery of any contraband much less heroin was affected
from her; even as per the disclosure statement on the basis of which the
petitioner and the co-accused Lovejit Singh had been arraigned as
accused in the present FIR, the petitioner was only alleged to be
accompanying co-accused Lovejit Singh when he went to purchase 30
grams of heroin from prime accused Navdeep Kaur, from whom
recovery of 440 grams of heroin was made on 17.07.2024, following a
secret information. Learned counsel has asserted that the evidentiary

value of the disclosure statement on the basis of which the petitioner has been arraigned as an accused in the present case is of an extremely weak nature, coupled with the fact that since it is not even the case of the prosecution as per the disclosure statement of Navdeep Kaur that any purchase of heroin in the present case was made by the petitioner, she deserves to be extended the concession of bail, more so when no secret information was received qua her involvement in the present case. A prayer has, therefore, been made to extend the concession of bail to the petitioner since even co-accused Lovejit Singh, who had allegedly purchased 30 grams of heroin from prime accused Navdeep Kaur, had been extended the concession of bail by a coordinate Bench of this Court vide order dated 29.10.2024.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the petitioner's name surfaced only in the disclosure statement allegedly suffered by co-accused Navdeep Kaur qua whom a specific secret information had been received and from whom a recovery of 440 grams of heroin was affected. It has also not been disputed by the learned State counsel that on being arrested on 24.07.2024 following the disclosure statement suffered by co-accused Navdeep Kaur, no recovery of any contraband was made from the petitioner. However, learned State counsel has asserted that it had come during investigation that the petitioner had accompanied co-accused Lovejit Singh to Navdeep Kaur for purchasing 30 grams of heroin. Learned State counsel has submitted that since the petitioner has previous criminal antecedents including cases registered under the NDPS Act against her, it leaves no manner of doubt that she was indeed involved in drug trafficking and the

disclosure statement allegedly suffered by co-accused Navdeep Kaur could not be outrightly rejected.

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

5. The petitioner has been in custody since 24.07.2024 following her name surfacing in a disclosure statement allegedly suffered by prime accused Navdeep Kaur; as not disputed by learned State counsel, no recovery of any contraband was affected from the petitioner after she was arrested on 24.07.2024.

6. In the facts and circumstances as enumerated hereinabove, coupled with the fact that co-accused Lovejit Singh, who had allegedly purchased 30 grams of heroin from accused Navdeep Kaur has already been extended the concession of bail by a coordinate Bench of this Court vide order dated 29.10.2024, this Court deems it fit to extend the concession of bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

January 8th, 2025

Puneet

(MANJARI NEHRU KAUL)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No