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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1643/2025**

KIRAN

.....Petitioner

Through: Mr. C.M. Sangwan and
Mr. Saksham Aggarwal,
Advs.

Versus

THE STATE (GOVT. OF NCT DELHI)Respondent

Through: Ms. Richa Dhawan, APP
for the State
Raj Kumar, ACP/ANTF/
Crime and SI Soamya
Kulhar, ANTF/Crime
Branch.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

22.05.2025

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1. The present application is filed seeking pre-arrest bail in FIR No. 231/2024 dated 19.11.2024, registered at Police Station Crime Branch, for offences under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('**NDPS Act**').

2. The brief facts of the case are that on 19.11.2024, on the basis of secret information, the accused persons– Roshan Lal and Dharmender, were apprehended and 310 grams of heroin was recovered from them. Pursuant to the disclosure statement of the accused persons, more accused persons were interrogated. One accused person, namely, Rohit Gosai was arrested on the disclosure statement of accused Roshan. It is alleged that on



checking the mobile phone of co-accused Rohit, he was found to have been in conversation with the accused Roshan and the applicant. The applicant is the wife of accused Roshan.

3. The learned counsel for the applicant submits that the applicant is innocent and she has been falsely implicated in the present case solely on the basis of disclosure statement of co-accused.

4. He submits that the husband and brother in law of the applicant are in judicial custody and the applicant has minor children to take care of. He further submits that the applicant has joined the investigation and no purpose will be served by her custodial interrogation in the present case.

5. He submits that the son of the applicant has also been granted pre-arrest bail by the learned Trial Court.

6. *Per contra*, the learned Additional Public Prosecutor opposes the grant of relief to the applicant and submits that the allegations are serious in nature.

7. She fairly concedes that the applicant has joined the investigation. She however points out that the data in the device handed over by the applicant had been erased.

8. I have heard the counsel and perused the record.

9. At the outset, it is relevant to note that this Court had granted interim protection to the applicant on the last date of hearing, that is, 30.04.2025, subject to her joining and cooperating with the investigation. It was noted that the applicant's bail application had been rejected by the learned Trial Court by observing that she had not handed over her phone, which is necessary for investigation. The submission of the



applicant was noted that she was carrying her mobile hone which could be seized by the Investigating Officer, if he so desired.

10. It is now stated that the applicant has joined the investigation and handed over her mobile phone. Though the police claims that the mobile phone was handed over after clearing the data, the mobile phone has been sent to FSL for retrieving data.

11. In the present case, no recovery was effected from the applicant and her role is based essentially on disclosure statement of co-accused. While the veracity of the disclosure statement will be seen during the course of the trial, at this stage, it is pertinent to note that co-accused Rohit (the son of the applicant), whose name had also surfaced in the disclosure statement, has already been enlarged on pre-arrest bail.

12. Moreover, the husband of the applicant, from whom recovery was effected, is still in custody.

13. Undisputedly, the applicant is a woman and also has minor children to look after.

14. In view of the above, the present application is allowed and the applicant, in the event of arrest, is directed to be admitted on bail on furnishing a personal bond for a sum of ₹25,000/- with one surety of the like amount, subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The applicant will not leave the boundaries of the country without the permission of the learned Trial Court;



- c. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
 - d. The applicant shall appear before the learned Trial Court as and when directed;
 - e. The applicant shall give her mobile number to the concerned IO/SHO and shall keep her mobile phone switched on at all times;
 - f. The applicant shall provide the address of her residence to the IO/SHO and shall not change the same without informing the concerned IO/SHO.
6. In the event of there being any violation of the stipulated conditions, it would be open to the State to seek redressal by filing an application seeking cancellation of the bail.
7. It is clarified that the observations made in the present order are for the purpose of deciding the present pre-arrest bail application, and should not influence the outcome of the Trial and should not be taken, as an expression of opinion, on the merits of the case.
8. The bail application is allowed in the aforesaid terms.

AMIT MAHAJAN, J

MAY 22, 2025

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