

**IN THE COURT OF PARMINDER SINGH GREWAL,
JUDGE SPECIAL COURT (UID NO.PB0438),
JALANDHAR.**

CIS No.	BA 10994/2018
CNR	PBJL01-014858-2018
DATE OF INSTITUTION	09.10.2018
DATE OF DECISION	16.10.2018

Sukhvir Kaur @ Chinder wife of Gurmeet Singh, resident of village Arjanwal, District Jalandhar.

...Accused/applicant

Versus

State of Punjab

....Respondent

FIR No.116 dated 15.07.2018
Under Sections 15/61/85 NDPS Act
PS Maqsudan, Jalandhar.

First bail application Under Section 439 Cr.P.C

Present: Sh. N.S.Minhas, adv., counsel for the
accused/applicant.
Sh. Gurpreet Singh, Addl. PP for the state.

1. This order of this Court shall dispose of bail petition filed by petitioner Sukhvir Kaur @ Chinder for releasing her on regular bail under Section 439 Cr.P.C. in case FIR No.116 dated 15.07.2018, under Section 15 of NDPS Act registered at Police Station Maqsudan, Jalandhar.
2. Ld. counsel for the petitioner has argued that the present petitioner has been falsely implicated in the present case. He has further argued that the alleged disclosure statement of the present petitioner

recorded in the police custody is hit by Section 25 and 26 of the Indian Evidence Act and is not admissible against the present petitioner. He has further argued that the present petitioner is a lady and is aged about 42 years and no useful purpose will be served by keeping her in further judicial custody. He has further argued that the entire recovery has already been effected from the present petitioner and the investigation of the present case is at its initial stage. He has prayed that the present bail petition may kindly be allowed.

3. On other hand, Id.Addl. PP for the State assisted by investigating officer has submitted that the the present FIR has been registered against the present petitioner and her co-accused Baljit Singh on the basis of secret information and thereafter, two bags of poppy husk each containing 20 Kgs were recovered and the present petitioner and her co-accused were arrested alongwith 40 Kgs poppy husk. He has further argued that thereafter, the present petitioner has suffered disclosure statement and thereafter, on the basis of the disclosure statements 26 bags of poppy husk weighing 560 Kilograms have been recovered from the place disclosed by her. He has further prayed for dismissal of present bail petition.

4. This Court has heard learned counsel for the parties and have perused record with their able assistance.

5. This Court is of the considered view that as per allegations levelled against the present petitioner, the co-accused of the present petitioner is care taker of the house of one NRI, wherein she and her co-accused Baljit Singh used to stock poppy husk. Thereafter, after receiving

secret information, the police of police Station Maqsudan, has installed Naka on dated 15.07.2018 in the area of G.T. Road village Raipur Rasulpur and had intercepted one Indigo Car bearing registration No. PB-08-AK-6170 from which two bags of poppy husk containing 20 Kgs each were recovered and thereafter on the disclosure statement of the present petitioner, 26 bags of poppy husk each containing 20 Kgs were recovered from the house of one NRI, which was being care taken by the co-accused Baljit Singh of the present petitioner Sukhvir Kaur. Furthermore, this court is of the considered view that the recovered poppy husk falls under commercial quantity and in view of the bar contained under Section 37 of the NDPS Act, the present petitioner is not entitled to be released on bail.

6. In view of reasons discussed herein before, the present bail petition filed by the present petitioner for releasing her on regular bail under Section 439 Cr.P.C. is hereby dismissed. Bail application be tagged with the remand papers.

Pronounced in the Open Court
Dated:16.10.2018
*Som Nath**

(Parminder Singh Grewal),
Judge Special Court,
Jalandhar (UID NO.PB0438).