

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

CRM-M-4273 of 2015
Date of Decision: 06.04.2015

Shindi

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. A.S. Klar, AAG, Punjab.

SNEH PRASHAR, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of anticipatory bail to the petitioner in case FIR No. 138 dated 14.11..2014, under Sections 15, 18, 21, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station, Rahon, District SBS. Nagar.

2. Precisely, the accusation against the petitioner as incorporated in the first information report is that she and her co-accused namely, Meena w/o Satnam Singh, Ninder Kaur @ Mindri w/o Avtar Chand, Palo w/o Ram Pyara, Renu w/o Gara, Shindi w/o Dyal Ram, Gora w/o Milkha Ram and Mahinderjit @ Kala s/o Bachna Ram in connivance with each other were engaged in the trade of poppy husk, opium and heroin. Their relatives bring the drugs from the smugglers of

Pakistan in huge quantity and with their help, the drugs are sold in small quantities which is destroying the youth of Punjab.

3. Heard the submissions made by Mr. Ashok Giri, Advocate representing the petitioner and Mr. A.S. Klar, AAG, Punjab representing the State.

3. Learned counsel for the petitioner argued that the case had been registered by the police on imaginative and vague allegations. No recovery of any drug is alleged to have been made from the petitioner. It is not even the case of the prosecution that the petitioner was having any contraband in her possession. As such, since nothing is to be recovered from the petitioner she be given the benefit of anticipatory bail.

4. The prayer is opposed by learned State counsel. He filed the affidavit of Rupinder Kaur Bhatti, Deputy Superintendent of Police, Nawanshahar Sub Division, District SBS Nagar wherein it has been stated that on the date of registration of the first information report Sub Inspector Surinder Singh accompanied by other police officials conducted raids at the houses of the suspected persons. Accused Renu w/o Gora, was intercepted and from her possession 100 grams of intoxicating powder and 15 grams of Heroin was recovered but the other suspects on getting the information, managed to flee away. Thereafter also frantic raids are being conducted at the suspected hide outs but the petitioner and other accused are not traceable.

In the affidavit of Rupinder Kaur Bhatti, Deputy

Superintendent of Police it is further mentioned that as many as five cases under the Narcotic Drugs and Psychotropic Substances Act, 1985 stand registered against the petitioner. In two of the cases, she is reported to have been acquitted, in one she has been convicted but in other two cases, including the present one, she is said to be absconding. The particulars of other case in which the petitioner is absconding are first information report No.26 dated 14.03.2013 under Sections 15, 21, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rahon.

5. Apparently, there are serious allegations against the petitioner and considering the fact that she is already absconding in another narcotic drugs case, which was registered much prior to the instant case, in my considered opinion, the petitioner is not entitled to the concession of anticipatory bail. As such this petition is dismissed.

April 06, 2015
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(SNEH PRASHAR)
JUDGE