

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

**CRM-M-26946-2017
Date of decision :04.09.2017**

Asha Rani

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE H.S. MADAAN

Present : Mr. Ankur Bansal, Advocate
for the petitioner.

Mr. K.S. Aulakh, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition for regular bail has been filed by petitioner-Asha Rani an accused in FIR No.145 dated 25.05.2017 for offence under Section 22 of the NDPS Act registered at Police Station Nakodar Sadar, District Jalandhar.

Briefly stated facts of the case are that FIR in question was registered on receipt of secret information received by SI Paramjit Singh that a de-addiction centre has been there in Civil Hospital, Nakodar where drug addicts are given medicines for drawing them away from drug addiction. The medicines for that purpose used to be kept by staff nurse

Asha Rani, who had been maintaining stock register, however, Asha Rani in connivance with worker and counsellor of the hospital Maninder Singh son of Parkash Singh resident of Village Sangna Police Station Chantiwind, Amritsar and computer data operator Jagjit Singh @ Jaggi son of Mohan Lal resident of Sandhu Chatha Police Station Sadar Kapurthala by getting the medicine "*Buprenorphine*" from stock by way of tampering the stock register has been selling the same to Rajinder Kaumr @ Ashu son of Ramesh Kumar resident of Bhagat Singh Nagar, Nakodar. Thereafter Rajinder Kumar @ Ashu would sell the said medicines in Nakodar city and in the village around the same to drug addicts. Asha Rani staff nurse, computer operator Jagjit Singh and worker Maninder Singh in connivance with each other by committing theft of government medicines and by selling the same to Rajinder Kumar @ Ashu has committed criminal breach of trust. On the basis of this information, formal FIR was registered, Maninder Singh, Jagjit Singh @ Jaggi and Rajinder Kumar @ Ashu were arrested in this case on 25.05.2017 whereas petitioner-Asha Rani was arrested on 26.05.2017.

The petitioner had filed an application for grant of regular bail, but was unsuccessful, as such, she has filed the present petition for regular bail before this Court, notice of which was given to the State.

I have heard learned counsel for the parties, besides, going through the record.

Learned counsel for the petitioner submits that as a matter of fact Dr. K.S. Aneja happened to be In-charge of the de-addiction centre, he was responsible for shortage of the medicine but in order to save his skin, he

has gone to Canada; that as matter of fact he has lodged complaint with SHO Police Station City Nakodar against Rajinder Kumar @ Ashu for committing theft of medicines in OST Centre, Nakodar, Jalandhar on 25.05.2017. The petitioner has not committed any offence and no recovery has been effected from him. Therefore, she be granted concession of regular bail.

Whereas learned State counsel has opposed the request contending that challan has since been filed against the accused, it was she who was In-charge of the stock and maintaining stock register. The stock register shows shortage of 591 tablets of "*Buprenorphine*", therefore, petition be dismissed.

After hearing rival contentions, I find that allegations against the petitioner are very serious, inasmuch as she was working in de-addiction centre committed theft of the drug belonged to Government entrusted to her in a capacity of Government servant and she committed criminal breach of trust in that respect by selling those drugs/medicines to unscrupulous elements, who further sold those in a higher rates to drug addicts. Drug addition amongst youth of this area is posing a very serious problem, the youth of the region are playing with their lives by taking drugs, unless the drug trafficking is checked with a heavy hand it would cause further damage to our younger generation.

The petitioner in a capacity of public servant has committed criminal breach of trust with regard to the medicines to her in such public capacity and by selling those to the drug traffickers who sold the same to drug addicts has obviously committed a heinous crime which cannot be

taken very lightly. The challan against the accused is said to have been filed, her guilt shall be determined during the trial. The contentions put forward by learned counsel for the petitioner do not appear to have any merit.

I find force in contention of learned State counsel that in case the petitioner is released on bail there is every possibility of her absconding and tampering with the prosecution evidence. Thus no ground is made out to grant regular bail to the petitioner, her petition in that regard stands dismissed.

04.09.2017*Gaurav Sorot*

**(H.S. MADAAN)
JUDGE**

1. Whether reportable? **No**
2. Whether speaking / reasoned? **Yes**