

CRM-M No. 10182 OF 2019

219

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M No. 10182 OF 2019

Date of Decision: 26.03.2019

Puran Kaur @ Puran Bai

.....Petitioner

versus

State of Punjab

.....Respondent

**CORAM HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present Mr.H.S.Bhullar, Advocate for the petitioner.  
Mr.C.L.Pawar, Sr.DAG, Punjab.

\*\*\*

**MAHABIR SINGH SINDHU, J(ORAL)**

This is the second petition filed under Section 439 of the Code of Criminal Procedure (for short 'Cr.P.C') for grant of bail pending trial to the petitioner in case FIR No.206 dated 23.07.2018, under Sections 21 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'Act of 1985') registered at Police Station City Jagraon, District Ludhiana.

As per the FIR, on 23.07.2018, ASI Karamjit Singh along with other police officials was travelling by Vehicle RC no. PB-07-NJ-3768, driven by Constable Hukam Singh and reached near Tehsil Chowk Jagraon. At about 11:30 a.m, a woman aged about 60 years dressed in striped kamij was seen coming from the bus stand side. On seeing the police party, she got frightened and tried to return back, who on suspicion was stopped and on inquiry, she disclosed her name as Puran Kaur @ Paro Bai (the present petitioner) and on being searched, a weighty plastic envelop weighing 1 kg of heroin from the front pocket of the undershirt of blue and white striped shirt worn by the petitioner was found.

CRM-M No. 10182 OF 2019

It is contended by learned counsel for the petitioner that recovery has been effected from the public place but no independent witness has been joined in the investigation. Also contends that petitioner has been falsely implicated in this case.

Learned State counsel has opposed the prayer and produced the custody certificate of the petitioner, which is taken on record. Perusal of the custody certificate reveals that petitioner is already a convict in FIR no.24 dated 07.03.2017 in case under Section 21 of the Act of 1985, registered at Police Station Fatehgarh Panjtoor, sentenced to already undergone. Since the petitioner is a previous convict and the recovery is 1 kg of heroin, therefore, this Court does not deem it appropriate to grant concession of bail pending trial to the petitioner.

As discussed above, the contraband was found in the conscious possession of the petitioner is quite apparent as she after noticing the police party tried to return back from the spot with contraband of commercial quantity which fully attracts the bar to grant bail, as contemplated under Section 37 of the NDPS Act.

In view of the heavy quantity of recovered contraband and bar of Section 37 NDPS Act, no ground for grant of bail to the petitioner is made out. The petition thus stands dismissed.

The above observations may not be construed as an expression of opinion on merits of case.

26.03.2019  
mamta

(MAHABIR SINGH SINDHU)  
JUDGE

**Whether speaking/reasoned**  
**Whether reportable**

**Yes/No**  
**Yes/No**