IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.1812 of 2020
Decided on: 14.12.2020

Paramjeet @ Pamma	….Petitioner.
Versus	
State of Himachal Pradesh	…Respondent.

Coram
Hon'ble Mr. Justice Ajay Mohan Goel, Judge.
Whether approved for reporting?[1] No

For the petitioner	:	Mr. Pawan Gautam, Advocate.
For the respondent:		Mr. Sumesh Raj, Mr. Sanjeev Sood, Additional Advocates General, with Ms. Divya Sood, Deputy Advocate General. (Through Video Conference)

Ajay Mohan Goel, Judge (Oral)

Status report filed, which is ordered to be taken on record.

By way of this petition, filed under Section 438 of the Criminal Procedure Code, petitioner has prayed for her enlargement on bail, in FIR No.122 of 2020, dated 22.08.2020, registered under Sections 21, 29-61-85 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Damtal, District Kangra, H.P.

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Whether reporters of the local papers may be allowed to see the judgment?

2. The case was listed before this Court on 15.10.2020, when the arrest of the petitioner was stayed, subject to her joining the investigation.

3. Learned counsel for the petitioner has argued that as the petitioner has been falsely implicated in this case and she is associating in the course of investigation and the main accused, on whose statement, the case has been registered against the petitioner, stands released on bail, the interim bail granted to her be confirmed.

4. Opposing the bail petition, learned Additional Advocate General submits that there are number of case registered against the petitioner including cases under the provisions of Narcotic Drugs & Psychotropic Substances Act, 1985 itself and further custody of the petitioner is necessary for the purpose of investigation of the case. He further submits that as far as the main accused is concerned, he was released on bail in a petition filed under Section 439 of the Criminal Procedure Code and not under Section 438 of the Criminal Procedure Code.

5. I have heard learned counsel for the parties and have gone through the status report.

6. Taking into consideration the fact that the allegation against the petitioner that she is the person from whom 9.86 grams of

Heroin was purchased by the main accused and further the fact that admittedly, there are other cases also registered against the petitioner under the provisions of the Narcotic Drugs & Psychotropic Substances Act, 1985 and that her custodial investigation is necessary, this Court does not finds merit with the submissions of learned counsel for the petitioner that petitioner deserves to be granted anticipatory bail. Accordingly, this bail petition is dismissed.

(Ajay Mohan Goel)
Judge

December 14, 2020
(Rishi)