

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

1. CRM-M-4483-2020 (O&M)
Date of decision : 21.10.2020

Paramjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-27799-2020 (O&M)
Date of decision : 21.10.2020

Paramjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL.

Present: Mr. Gagandeep Singh Simble, Advocate for the petitioner
(In CRM-M-27799-2020)

Mr. Akshay Rana, Advocate,
Mr. Arvind Kumar Sharma, and
Mr. S.S. Rana, Advocates for the petitioner
(CRM-M-4483-2020)

Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab.

ANIL KSHETARPAL, J.

By this order, CRM-M Nos.4483 and 27799 of 2020 shall stand
disposed of. In both the petitions, the petitioner Paramjit Kaur prays for

grant of bail pending trial in two different cases registered namely FIR No.102 dated 02.07.2019 under Sections 21, 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as “the 1985 Act”) and FIR No.61 dated 02.07.2019 under Sections 21 and 22 of the 1985 Act registered at Police Station Sadar Nawanshahar, District SBS Nagar.

In FIR No.102, the case of prosecution is that when Sunny son of Inderjeet Singh travelling on a bullet motor-cycle, was stopped, he tried to run away but fell down and from his conscious possession, 20 ampules each of Buprenorphine and Avil alongwith 20 grams heroin were recovered. The petitioner was nominated as an accused on the disclosure of Sunny. In FIR No.61 dated 02.07.2019, the petitioner-Paramjit Kaur was apprehended with 19 ampules each of Buprenorphine and Avil apart from recovery of 20 gram heroin. In FIR No.102, this is second application filed for grant of bail. The first application was dismissed on 29.11.2019 with the following order:-

“Petitioner prays for bail pending trial in a criminal case arising out of FIR No.102 dated 02.07.2019 registered under Sections 21/22/29/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station, City Nawanshahar District SBS Nagar.

As per the case of the prosecution, co-accused of the petitioner was found in conscious possession of 20 gm heroin and 20 injections of Buprenorphine each containing 2 ml.

Learned counsel for the petitioner submits that the petitioner has been nominated as an accused on the

statement of co-accused, which is very weak type of evidence.

On the other hand, learned counsel for the State, on the instructions of ASI Rampal, has informed the Court that the petitioner is a habitual drug paddler, already convicted in 10 cases under the NDPS Act. He has further informed the Court that there are other cases under the NDPS Act pending against her.

Keeping in view the facts of the present case, this Court is not inclined to grant concession of bail to the petitioner.

Dismissed.”

CRM-M-27799-2020 arising from FIR No.102 has been filed through Shri Gagandeep Singh Simble, Advocate whereas CRM-M-4483-2020 arising from FIR No.61 has been filed through Shri Akshay Rana, Arvind Kumar Sharma and S.S. Rana, Advocates.

CRM-M-4483-2020 was listed before respected Brother Sudeep Ahluwalia J. and a request was made for an adjournment and to tag the matter with CRM-M-27799-2020 which was listed before me. Justice Ahluwalia, as prayed for by learned counsel for the petitioner, directed the matter to be listed together.

On 24.09.2020, prima facie finding that the counsel namely Mr. Gagandeep Singh Simble, Advocate has made an attempt to misrepresent the facts, this Court granted him an opportunity to explain. An affidavit has been filed by the learned counsel admitting his mistake. In view thereof, the aforesaid matter is closed.

Learned counsels for the petitioner have forcefully submitted

that in FIR No.102, Brother Sudeep Ahluwalia J. has granted bail to Pritpal Singh, another co-accused. They further submitted that the petitioner has been falsely implicated as two FIRs have been registered on the same day. Learned counsels further while referring to vernacular copy of FIR No.61 have contended that the time period mentioned is 00:00 hours and, therefore, there is false implication.

On the other hand, Mr. Rana Harjasdeep Singh, Deputy Advocate General, Punjab, while drawing attention of the Court to the status report filed by the Deputy Superintendent of Police, Nawanshahar sent on the official e-mail of this Court, has submitted that the petitioner has been involved in 15 cases under the Act of 1985, out of which, she already stands convicted in 13 cases. He further submits that the petitioner is a habitual offender and from the reading of the status report, it is clear that the record of the petitioner has been consistently bad.

This Court has considered the submissions of learned counsels and perused the paper book.

At the outset, it is important to note that learned counsels do not dispute the petitioner's conviction in various cases under the Act of 1985. The information has been compiled by the Deputy Superintendent of Police, Nawanshahar, in a tabulated form which is extracted as under:-

<i>Sr. No.</i>	<i>FIR No., Section, Act, Police Station</i>	<i>Recovery</i>	<i>Final outcome/current status of the case</i>
1	FIR No.187 dated 21.07.2003 U/s 15 of NDPS Act, PS Sadar Nawanshahr	50 KG Poppy Husk	The Hon'ble Trial Court vide its order dated 13.03.2008 convicted the accused.
2	FIR No.168 dated 05.06.2004 U/s 15 of NDPS Act, PS Sadar Nawanshahr	2 KG Poppy Husk	The Hon'ble Trial Court vide its order dated 20.04.2009 convicted the accused

3	FIR No.139 dated 04.05.2006 U/s 15 of NDPS Act, PS Sadar Nawanshahr	52 KG Poppy Husk	The Hon'ble Trial Court vide its order dated 26.08.2011 convicted the accused
4	FIR No.126 dated 31.08.2008 U/s 21 of NDPS Act, PS Sadar Nawanshahr	50 GSM Smack	The Hon'ble Trial Court vide its order dated 18.04.2012 convicted the accused
5	FIR No.66 dated 27.07.2011 U/s 15 of NDPS Act, PS Sadar Nawanshahr	3 KG Poppy Husk	The Hon'ble Trial Court vide its order dated 05.11.2011 convicted the accused
6	FIR No.21 dated 24.02.2011 U/s 15 of NDPS Act, PS Banga	5 KG Poppy Husk	The Hon'ble Trial Court vide its order dated 21.02.2012 convicted the accused
7	FIR No.19 dated 21.01.2004 U/s 15 of NDPS Act, PS City Nawanshahr	10 Poppy Husk	The Hon'ble Trial Court vide its order dated 10.12.2005 acquitted the accused
8	FIR No.89 dated 31.08.2013 U/s 15 of NDPS Act, PS Sadar Nawanshahr	5 Poppy Husk	The Hon'ble Trial Court vide its order dated 19.08.2015 convicted the accused
9	FIR No.61 dated 04.06.2016 U/s 21 of NDPS Act, PS Sadar Nawanshahr	3 GSM Heroin	The Hon'ble Trial Court vide its order dated 02.06.2017 convicted the accused
10	FIR No.72 dated 09.06.2014 U/s 21 of NDPS Act, PS City Nawanshahr	5 GSM Heroin	The Hon'ble Trial Court vide its order dated 20.10.2016 convicted the accused
11	FIR No.35 dated 12.04.2015 U/s 21, 22 of NDPS Act, PS Sadar Banga	25 GSM Heroin & 150 GSM Drugs powder	The Hon'ble Trial Court vide its order dated 27.02.2017 convicted the accused
12	FIR No.01 dated 01.01.2016 U/s 21, 22 of NDPS Act, PS City Nawanshahr	15 GSM Heroin	The Hon'ble Trial Court vide its order dated 13.10.2016 convicted the accused
13	FIR No.61 dated 02.07.2019 U/s 21, 22 of NDPS Act, PS Sadar Nawanshahr	19 Avil Drugs Injections & 19 Buperonorphine drugs injections & 20 GSM Heroin	Pending before the learned trial Court for 20.10.2020 for prosecution witness
14	FIR No.90 dated 28.08.2009 U/s 15 of NDPS Act, PS Jammu	5 KG Poppy Husk	The Hon'ble Trial Court vide its order dated 20.02.2012 convicted the accused
15	FIR No.102 dated 02.07.2019 U/s 21, 22, 25, 29 NDPS Act, PS City Nawanshahr	Impleaded as accused on admission statement of accused Sunny & Pritpal Singh	Pending before the learned trial Court for 20.11.2020 for prosecution witness

No doubt, the petitioner is sought to be indicted as an accused
in FIR No.102 on the basis of disclosure statement of Sunny son of Inderjeet

Singh and there is no recovery of narcotics from the petitioner, however, keeping in view her track record, this Court is not inclined to grant bail. Learned counsels have failed to draw attention of the Court to any fresh ground for grant of bail. In FIR No.61, the alleged recovery from the petitioner is 19 ampules each of Buprenorphine and Avil apart from recovery of 20 gram heroin. It is not disputed that the recovery of 19 ampules of Buprenorphine falls in the category of commercial quantity.

Keeping in view the aforesaid facts, this Court is not inclined to grant the concession of bail to the petitioner in both the cases.

Accordingly, both the petitions are dismissed.

All the pending miscellaneous applications, if any, are disposed of, in view of the aforesaid order.

21.10.2020

Pawan

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**