

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

CRM-M-17835-2020(O&M)

Date of decision:-21.7.2020

Sheela Devi

...Petitioner

Versus

State of Haryana

...Respondent

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

Present: Mr.Partap Singh, Advocate
for the petitioner.

Mr.Apoorv Garg, DAG, Haryana.

H.S. MADAAN, J.

Case taken up through video conferencing.

This petition for regular bail has been filed by petitioner Sheela Devi – an accused in FIR No.672 dated 6.7.2018, under Section 20/29 of NDPS Act, registered at Police Station Thanesar City, District Kurukshetra.

Briefly stated, facts of the case as per prosecution version are that on 6.7.2018, a police party from Police Station City, Thanesar while being present at Mohan Nagar, Kurukshetra in connection with patrolling as well as detection of crime, had received a secret information that Sheela Devi (present petitioner) wife of Jangli, resident of Indira Colony,

Thanesar along with four other women, namely, Sarbati, Kunta, Salochna and Bimla were dealing with selling of GANJA and on that day, all those five women had collected money handing over the same to Suraj Bhan son of Banwari Lal, resident of village Didhar, District Panipat to bring 40 kgs. of GANJA and Suraj Bhan was coming to Shorgir Basti, opposite Ankur Nursing Home in order to supply GANJA to Sheela Devi (present petitioner) and other women and if a raid was conducted, then they could be caught red handed. In pursuance of receipt of information, a ruqa was sent to the police station. A female police official was called to the spot for checking and the police party proceeded towards the disclosed place. In light of the vehicle, five women were seen standing in the street with two heavy bags lying near them. On seeing the police party, four women managed to escape, whereas one woman was overpowered, who on being inquired disclosed her name as Sheela Devi wife of Jangli, resident of Indira Colony, Shorgir Basti, Thanesar (present petitioner). The names of other women, who escaped from the spot were disclosed as Sarbati, Kunta, Salochna and Bimla, residents of Indira Colony, Thanesar. The bags were searched in accordance with law and were found to contain 20 kgs. of GANJA each, total 40 kgs. The contraband was taken into possession. The petitioner/accused was arrested in this case. She had filed an application for regular bail, which was however dismissed by Additional Sessions Judge, Kurukshetra vide order dated 9.8.2018. As such, the petitioner had approached this Court earlier and filed CRM-M-38202-2018 for regular bail, which had been dismissed as withdrawn by this Court vide order dated 21.1.2020. The operative part of the order is

being reproduced as under:

Learned counsel appearing for the petitioner submits that since on conclusion of the trial, the case is fixed for final orders on 3.2.2020, he does not want to proceed with the present petition and he be permitted to withdraw the same.

Permission is granted.

Dismissed as withdrawn.

Now the petitioner has approached this Court again seeking the similar relief for the reason that co-accused of the petitioner, namely, Suraj Bhan has been granted concession of regular vide order dated 19.12.2018 passed in CRM-M-40909-2018. The request is being resisted by the State counsel.

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

The petition is bound to fail for various reasons.

Firstly, the contraband recovered from the possession of the accused and her co-accused to the tune of 40 kgs. of GANJA amounts to commercial quantity, attracting rigor of Section 37 of the Act. There is nothing to record satisfaction that there are reasonable ground for believing that petitioner is not guilty of that offence or that she has not committed any offence.

The drug trafficking is rising at an alarming rate in this region, which has ruined the lives of young men and women. Drug peddlers for a small monetary consideration make the youth to use drugs for a small time excitement/kick. The drug peddlers have successfully

destroyed the social fabric of our society and led youth to the wrongful path. Such type of persons need to be dealt with firmly and sternly and no sympathy can be shown to them lest that should prove to be counter productive and result in increased drug trafficking.

Secondly, the petitioner is said to be involved in 4-5 more cases under NDPS Act and it has been so observed by Additional Sessions Judge, Kurukshetra in her order dated 9.8.2018.

Thirdly, while withdrawing the first petition, learned counsel for the petitioner stated that on conclusion of the trial, the case was fixed for final orders. After making such statement, now he is saying that the case is listed for defence evidence. Interim orders in that regard had been filed. A perusal of the interim orders goes to show that frequent adjournments are being taken for adducing defence evidence. In that way, the petitioner herself is prolonging the trial. Therefore, she cannot take advantage of her own wrong and seek bail for the reason that her co-accused has since been granted concession of bail.

With regard to the contention that co-accused of the petitioner, namely, Suraj Bhan has been granted regular bail vide order dated 19.12.2018 passed in CRM-M-40909 of 2018, copy of which has been attached as Annexure P2, this very order was there when the petitioner had withdrawn her first petition. Now she cannot take advantage of this order.

Furthermore, the allegations against Suraj Bhan and Sheela Devi, present petitioner are different. Suraj Bhan is said to be the supplier, who was not arrested with the contraband by the police, whereas

petitioner had been arrested with the contraband amounting to commercial quantity by the police. Therefore, there cannot be any parity between the two. The petitioner cannot seek grant of bail for the reason that her co-accused Suraj Bhan has been given that concession. The trial against the petitioner is going on and it is expected that the same would be concluded shortly.

Therefore, finding no merit in the petition, the same stands dismissed.

21.7.2020

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(H.S.MADAAN)**JUDGE****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**