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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-18624-2020
Date of decision: 06.08.2020

Savitri Devi

.....Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Ravinder Bangar, Advocate, for the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

Sanjay Kumar, J.

The petitioner is one of the accused in FIR No. 0571 dated 02.07.2020 on the file of Police Station City Thanesar, District Kurukshetra, registered under Sections 21 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the Act of 1985'). By way of this petition, she seeks anticipatory bail under Section 438 Cr.P.C.

The case of the prosecution is that one Raj Kumar @ Raju, the co-accused of the petitioner, was apprehended while going to Gandhi Nagar, Kurukshetra on a white Scooty, bearing Registration No. HR-07Z-0165, and he was found in possession of 6.45 gms. of heroin. The case against the petitioner is that the co-accused was selling drugs on her behalf on commission basis. The Scooty used by the co-accused belongs to the daughter-in-law of the petitioner. That apart, she was earlier convicted of an offence under Section 21

of the Act of 1985 in FIR No. 984 dated 09.12.2013.

Mr. Ravinder Banger, learned counsel, would allege that the petitioner is being implicated in the case without cause as she made a complaint against the police authorities. However, perusal of the complaint reflects that it was made on 03.07.2020 while the FIR was registered on 02.07.2020.

Given the past antecedents of the petitioner and as the charge against her is one under Section 27-A of the Act of 1985, this Court is not inclined to grant her any indulgence at this stage. The provisions of Section 37 of the Act of 1985 would apply and the reply filed by Ravinder Singh, DSP, Kurukshetra, would indicate that the custodial interrogation of the petitioner is necessary at this stage to trace the source of the drugs.

In the light of the aforestated facts, this Court find no grounds to grant pre-arrest bail to the petitioner.

The petition is accordingly dismissed.

(SANJAY KUMAR)
JUDGE

06.08.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no