

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

CRM-M-21482-2020

Date of decision:-4.8.2020

Amarjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

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

Present: Mr.Narender Singh Kamboj, Advocate
for the petitioner.

Mr.J.P. Ratra, DAG, Punjab.

H.S. MADAAN, J.

Case taken up through video conferencing.

This second petition for regular bail has been filed by petitioner – Amarjeet Kaur, aged about 40 years – an accused in FIR No.210 dated 23.11.2019 for the offence under Section 21 of NDPS Act, registered at Police Station Sadar, Bathinda.

The first petition bearing CRM-M-15582-2020 had been

dismissed by this Court vide order dated 1.7.2020. The contraband said to have been recovered from the possession of accused happened to be 260 gms. of heroin amounting to commercial quantity. The first petition was dismissed vide a detailed order, operative part of which, for ready reference is being reproduced as under:

Admittedly, the contraband said to have been recovered from the possession of petitioner 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.

This second petition has been filed for the reason that counsel could not raise arguments due to low audio during video conference and later on it had been disconnected.

This plea is obviously wrong. The order was passed after giving full hearing to the counsel for the petitioner, State counsel and

going through the record. This plea has been invented for providing justification for filing second petition for regular bail. The same is rejected being without any merit. There has not been any change in circumstance since dismissal of the first petition.

Today, learned counsel for the petitioner has referred to orders passed in CRM-M-12849-2020 titled '**Baljit Kaur @ Baljito Versus State of Punjab**', decided on 4.6.2020 by a Co-ordinate Bench of this Court vide which petitioner in that petition had been granted regular bail when the recovery of contraband involved was marginally higher than the commercial quantity. He tried to seek regular bail for the petitioner on the ground of parity by citing this judgment. There is no question of any parity. Under the circumstances, the judgment referred to was in a different case bearing FIR No.48 dated 7.5.2018, under Section 22 of NDPS Act, registered with Police Station Fattu DHINGA, District Kapurthala and not in the present case and similarly the bar of Section 37 of the Act is not shown to have been argued before the Co-ordinate Bench. Even otherwise, the facts and circumstances of each case are different and there cannot be any binding precedent in case of grant of bail, regular or anticipatory. Therefore, this judgment does not come to rescue of the petitioner. The petitioner is not found entitled to grant of any interim bail even.

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

4.8.2020

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

(H.S.MADAAN)

JUDGE