

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

CRM-M-53505-2019

Date of Decision: 17.01.2020

Sarabjit Kaur @ Sabbe

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present : Mr. K.S. Mehta , Advocate
for the petitioner.

Mr. Sarabjit Singh Cheema, AAG, Punjab.

JASGURPREET SINGH PURI, J.(Oral)

The present petition has been filed under Section 438 for grant of anticipatory bail in case arising out of FIR No. 152, dated 13.11.2019, under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 PS Rahon.

Learned counsel for the petitioner has inter alia argued that the petitioner has been unnecessarily roped in the FIR and that she was not even named in the FIR and her name has been nominated on the basis of disclosure statement made by one co-accused-Baljit Singh and no recovery has been made from the petitioner and therefore, prays for grant of pre-arrest bail. He has also relied upon an order passed by this Court by Annexure P-3 whereby other co-accused has been granted interim bail.

Per contra, learned State counsel states that the present case is of serious nature because the recovery made from the accused Baljit Singh was 570 gms herione, which is commercial quantity. He has further stated that even if the petitioner has been named on the basis of confessional statement, the allegations are so serious that the petitioner does not deserve the concession of anticipatory bail and custodial investigation would be required. He has further stated that the co-accused Baljit Singh during investigation had stated that the intoxicating material of heroine was obtained four times from one Nigerian from Delhi, on asking of the petitioner so that the intoxicating material can be supplied. He has further stated that in total seven other FIRs are registered against the petitioner out of which she has been convicted in two FIRs and acquitted in one FIR and remaining are still pending. He has further stated that as per the confessional statement of the co-accused, there is sufficient material to connect the petitioner also with the recovery which has already been effected by the police. Apart from that, he has further stated that the recovery is of commercial quantity and there is a need to investigate the case thoroughly so as to reach the king pin of the entire system of contraband which is being circulated in Punjab.

This Court has heard learned counsel for the parties and after perusing the records it would become clear that seven other FIRs were registered against the petitioner. As per the statement made by learned State counsel the petitioner has been convicted in two cases and acquitted in one case and other cases are pending against the petitioner. So far as the grant of interim bail to Karanjit Singh @ Karan (Annexure P-3) is concerned the learned State counsel has stated that he is not similarly

situated with the petitioner in the present case because in the present case, petitioner has already faced seven FIRs. Since the petitioner and the aforesaid accused are not at parity with each other, the argument of the petitioner would not hold good in this case. So far as the seriousness of the case is concerned, there is 570 gms heroine recovered from co-accused- Baljit Singh. Although the present petitioner has been named in the confessional statement but does not per se becomes ground for concession of bail. It is settled principle of law that for the purpose of grant of bail the Court has to strike a balance between the liberty of an individual and the probability as to whether custodial investigations would be required for the investigation process to work smoothly. Considering the totality of the circumstances and after hearing learned counsel for the parties, I hold that the present case is not a fit case for grant of concession of anticipatory bail to the petitioner.

Consequently, the petition stands dismissed. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case.

(JASGURPREET SINGH PURI)
JUDGE

17.01.2020
Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No