

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

Criminal Misc.-M No.9150 of 2021 (O&M)
Date of Decision: November 22, 2021

Manjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Lakshay Bector, Advocate,
for the petitioner.

Mr.Ramandeep Sandhu, Sr.DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.149 dated 12.08.2019, under Sections 21 and 22 N.D.P.S.Act, 1985, registered at Police Station, Dakha, District Ludhiana, who is in custody since her arrest on 12.08.2019.

The FIR in the present case was registered on the basis of secret information that accused Manjit Kaur, Resham Singh and Jagdish Singh (petitioner) are residing in rented accommodation at Lakhpat Rai Da Makan, Chaudharian Wali Gali, Ward No.9, Old Mandi Mullanpur and are engaged in selling intoxicant substances. According to information, if a raid is conducted at the house of above persons, then they can be apprehended with heavy quantity of heroin and intoxicant medicines. On the basis of the said information, raid was conducted and the above said accused were apprehended with 100 grams of heroin and 750 intoxicant tablets containing the salt Tramadol, while they were travelling in Swift car bearing

registration No.HR-79-2730.

Learned counsel for the petitioner has argued that co-accused, namely, Resham Singh and Jagdish Singh @ Disha, who were travelling in the vehicle along with the petitioner, have already been released on regular bail vide orders dated 22.01.2021 and 05.02.2021 (Annexures P-5 and P-6), therefore, the petitioner also deserves the same concession. He submits that the trial is likely to consume considerable time to conclude as only two prosecution witnesses have been examined so far out of total nineteen witnesses. He prays for bail.

On the other hand, learned State counsel, assisted by ASI Pritam Masih, has opposed the prayer on the ground that the petitioner is involved in number of other cases. In this regard, he has produced her custody certificate by way of affidavit of Chanchal Kumari, Deputy Superintendent Administration, Women Jail, Ludhiana, which indicates that apart from the above case, the petitioner is embroiled in four more cases of similar nature. He submits that the quantity recovered from the accused is commercial in nature, therefore, the petition be dismissed.

At this stage, learned counsel for the petitioner has relied upon the decisions of the Hon'ble Supreme Court in Chitta Biswas alias Subhas Versus The State of West Bengal, Criminal Appeal No.245 of 2020 @ SLP (Crl.) No.8823 of 2019, as well as of this court in Shifali @ Punam Singh Versus State of Punjab, CRM-M No.27074 of 2021 and Sunita Devi @ Sunita Versus State of Punjab, CRM-M No.37002 of 2020 and submits that the concession of regular bail was granted to the accused, even if the said accused was already involved in other cases of similar nature.

After hearing the learned counsel for the parties and

considering the above background, this court is of the opinion that the case of the petitioner is distinguishable from her co-accused, as they were not involved in any other case of similar nature. Admittedly, the petitioner is involved in total five cases under N.D.P.S.Act.

The decision in Chitta Biswas alias Subhas as well as Shifali @ Punam Singh's cases (supra) is of no help to the petitioner as the said accused were not involved in the other case of similar nature and considering the length of their custody, the concession of regular bail was extended to them.

No doubt, in Sunita Devi @ Sunita's case (supra), the concession of regular bail was extended to the accused, despite noticing her involvement in other cases of similar nature and most of them were pending trial, but the custody certificate produced by the State counsel in the present case indicates that the petitioner has been consistently misusing the concession of regular bail granted to her on previous occasions in other cases. As per the custody certificate, for the first time on 10.07.2015, she was found with a contraband in her possession and thereafter, she has been committing similar crimes repeatedly, therefore, it cannot be believed that if she is released on bail, she would not commit such a crime again.

Resultantly, the petition fails and is dismissed.

November 22, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No