

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

CRM-M-30024-2021 (O&M)

Date of decision: 05.08.2021

Priyanka

....Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sunil Saharan, Advocate for the petitioner

Mr. Tarun Walia, AAG, Haryana

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is fourth petition for grant of bail, pending trial in a criminal case arising from FIR No.96, dated 08.06.2020, registered under Section 21(b), 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Narwana City, District Jind, Haryana.

The previous petition for grant of bail was dismissed by this Court on 22.03.2021, with the following order:-

“This is third petition for grant of bail pending trial to the petitioner in a criminal case arising from FIR No. 96, dated 08.06.2020, registered under Section 21(b)/27A/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Narwana City, District Jind, Haryana.

The second petition for grant of bail filed

by the petitioner was dismissed on 28.01.2021, with the following order:-

“Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the second petition for grant of bail pending trial in a criminal case arising from FIR No.96, dated 08.06.2020, registered under Section 21(b)/27A/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Narwana City, District Jind, Haryana.

The first petition for grant of bail to the petitioner was dismissed on 10.09.2020, with the following order:-

The petitioner prays for bail pending trial in a criminal case arising from FIR No.96 dated 8.6.2020 registered under Section 21(B) of the NDPS Act, 1985 at Police Station City Narwana, Haryana.

As per the case of the prosecution, the petitioner was found in conscious possession of 35 grams of Heroin (contraband).

As per the reply filed, the petitioner is also an accused in FIR No.118 dated 14.5.2017 registered under Section 21, 27-A, 61, 85 of the NDSP Act, 1985. There was another criminal case against the petitioner i.e FIR No. 717 dated 10.12.2018 registered under Section 21 and 29 of the NDPS Act, 1985, in which she has been discharged.

Learned State counsel has brought to the notice of this Court that the mother, sister and husband of the petitioner are all involved in criminal activities. One case each under the NDPS Act, 1985, is pending against the

mother, sister, whereas the husband of the petitioner stands convicted under Section 420 IPC and sentenced to undergo RI for a period of 5 years.

Keeping in view the aforesaid facts, this Court is not inclined to grant concession of bail to the petitioner at this stage.

Hence, dismissed.”

Learned counsel for the petitioner contends that after passing the order on 10.09.2020, Anil Kumar, a co-accused of the petitioner has been granted concession of bail by the trial court.

On a court question, he admitted that there is no recovery from the co-accused-Anil Kumar and therefore, the aforesaid co-accused was granted bail. The petitioner cannot claim any parity with Anil Kumar, a co-accused. As noticed in the order dated 10.09.2020, the petitioner and her family has chequered history of dealing in narcotics.

Hence, this court is not inclined to grant the concession of bail to the petitioner.

Dismissed.”

Although, learned counsel for the petitioner made sincere efforts, however, failed to draw the attention of the Court to any fresh ground for the grant of bail.

Hence, dismissed.”

Learned counsel representing the petitioner contends that the trial of the case has not made any substantial progress due to the outbreak of COVID-19 pandemic. He submits that the petitioner alongwith her minor child is languishing in jail for recovery of non-

commercial quantity of Heroin (contraband).

While dismissing the second petition for grant of bail to the petitioner on 28.01.2021, this Bench has noticed that the petitioner does not have clean antecedents. Still further, her entire family is involved in various cases under the Narcotic Drugs and Psychotropic Substances Act, 1985.

Keeping in view the aforesaid facts, no ground to grant the concession of bail to the petitioner is made out. Hence, dismissed.

However, learned trial court is requested to make sincere endeavours for expeditious disposal of the case.

All the pending miscellaneous applications, if any, are also disposed of.

05.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE