

108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33717-2021
Date of Decision: 19.08.2021

POOJA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.K.L. Saini, Advocate for the petitioner
Mr.Rahul Mohan, Deputy Advocate General, Haryana

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.138 dated 31.05.2021 registered under Sections 21 and 27-A of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short – NDPS Act) at Police Station City Narwana, District Jind.

The petitioner is being prosecuted for having sold/ supplied 30 grams of heroin to co-accused – Pinni.

Learned counsel for the petitioner contends that petitioner has been falsely implicated in this case; the only evidence against the petitioner is the alleged disclosure statement made by a co-accused in police custody which is not admissible under Section 25 of the Indian Evidence Act, 1872; the alleged recovery from the co-accused is 30 grams of heroin which is classified as a non-commercial quantity and that the petitioner is ready and

willing to join investigation as and when called by the investigating agency.

The investigation for establishing the supply chain with regard to the narcotics allegedly recovered from the petitioner's co-accused is at the nascent stage. In fact, qua the petitioner, it is yet to begin. Further, it is not disputed that the petitioner has another case pending against her under the NDPS Act in which case heroin was allegedly recovered from her possession and that while on bail in that case she has allegedly sold/supplied heroin to co-accused – Pinni.

In the light of the above she is held not entitled to the grant of anticipatory bail in the present case.

Dismissed.

19.08.2021
gk

(Deepak Sibal)
Judge

Whether speaking/ reasoned:	Yes/No
Whether Reportable:	Yes/No