

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8272-2022
Reserved on: 20.07.2022
Pronounced on: 26.07.2022

Shhinderpal Kaur @ Chhinderpal Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Armaan Gagneja, Advocate
for the petitioner.

Mr. H.S.Multani, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
212	27.12.2021	Kotbhai, District Sri Muktsar Sahib	22 (B) of NDPS Act

1. The petitioner, incarcerated upon his arrest for possessing an intermediate quantity of Alprazolam tablets, in violation of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act), has come up before this Court under Section 439 of Cr.P.C, seeking bail.

2. In paragraph 22 of the bail application, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1	32	16.06.2008	15 NDPS Act	Kotbhai
2	42	28.04.2004	15 NDPS Act	Kotbhai
3	200	21.09.2005	15 NDPS Act	Kotbhai
4	190	17.12.2018	15 NDPS Act	Kotbhai

3. The petitioner was allegedly found in possession of 85.2 grams of Alprazolam tablets.

4. Ld. Counsel for the petitioner contends that the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. While opposing the bail, Ld. counsel representing the State contends that given the criminal past, the accused is likely to indulge in crime once released on bail.

REASONING:

6. In Paramjeet Singh v. State of Punjab, CRM-M 50243 of 2021, this court observed,

While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

7. Prior to the present FIR, the petitioner was involved in cases for possessing poppy husk and she was convicted in three cases under section 15 of NDPS Act. The petitioner is in custody since 27-12-2021. Thus, her custody cannot be stated to be prolonged. A perusal of the petition does not refer to any averment based on which this court is assured that if this recidivist is released on bail, then he shall not indulge in criminal behavior.

8. In the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner fails to make a case for bail at this stage.

9. **Since the petitioner is a woman and furthermore her age is 60 years, this court requests Ld. trial court to expedite the trial and complete it on priority.** The petitioner, State as well as Registry to inform the concerned Special court.

10. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

Petition dismissed in aforesaid terms. All pending applications, if any, stand disposed.

(ANOOP CHITKARA)
JUDGE

26.07.2022

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.