

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-14270 of 2021 (O&M)
DECIDED ON:5th August, 2022

Balraj Kaur alias Pinky

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. G.P.S. Ghuman, Advocate with
Mr. P.S. Mann, Advocate for petitioner.
Mr. H.S. Multani, AAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Petitioner is seeking regular bail in case of FIR No.82 dated 6.7.2020, under Sections 21, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, (for short 'the Act') registered at Police Station Special Task Force (STF), Mohali, District SAS Nagar, Mohali.

Brief facts are that the police party acting upon a secret information conducted a raid in Hargobind Nagar, Jalandhar. Paramjit Kaur alias Bholan, Soma wife of Amrik, Amrik and Sandeep were apprehended and from their possession 250 grams, 100 grams, 100 grams and 50 grams *Heroin* were recovered from them respectively. Paramjit Kaur in her disclosure named her sister-in-law (petitioner) Balraj Kaur @ Pinky. It was stated that the contraband recovered from the petitioner was supplied by petitioner.

On 7.7.2020 petitioner along with her son Gurwinder Singh were spotted travelling in I-20 car near Sangha Chowk, Nakodar Road, Jalandhar. When signalled by police party to stop, petitioner raised a lalkara and her son hit the police party, crushed the motor-cycle of the police party and injured two police officials. FIR No. 192 dated 7.7.2020 was registered against the petitioner and her son under Sections 307, 353, 186, 427, 34 IPC, at Police Station Division No. 7 Jalandhar. Thereafter another police party reached the residence of

petitioner i.e. Flat H. No. 420-SF, Green Eledco, Nakodar Road, Jalandhar. The owner of the flat stated that she has given the flat on rent to the petitioner and produced the rent agreement. The search of the flat was made, it was videographed and 333 grams of *Heroin* and Rs.3,50,290/- were recovered.

Learned counsel for the petitioner submits that the petitioner is not named in the FIR. She was named in a disclosure statement. Contention is that four co-accused apprehended at the spot have been granted bail by this Court. Submission is that the recovery is not from the conscious possession of the petitioner. Sister-in-law of the petitioner has falsely implicated her.

Learned State counsel opposes the prayer and submits that from the residence of the petitioner, commercial quantity of *Heroin* was recovered. Her antecedents are not clear. In the petition, only three FIRs have been mentioned whereas she is involved in nine more FIRs, out of which seven FIRs are under the Act. She is under trial in five FIRs and the said information has been withheld from the Court.

The observations made hereinafter are only for the purpose of deciding the bail petition and shall not be construed as an expression of opinion on the merits of the case.

The contention that the name of the petitioner surfaced in a disclosure statement in itself does not enhance the case of the petitioner for grant of bail. Evidentiary value of the disclosure statement coupled with the fact that commercial quantity of contraband was recovered from the residence of the petitioner would be subject matter of trial. The arguments that it is a case of false implication by sister-in-law is noted to be rejected as no reason has been contended for false implication by her sister-in-law.

The petitioner has not approached this Court with clean hands. Relevant information with regard to involvement in six more FIRs was withheld. The petitioner is under trial in five FIRs and it cannot be expected that she was not aware of the said proceedings. She is a proclaimed offender in FIR No. 149 dated 7.8.2015 registered at Police Station Navi Bardari Jalandhar. The petitioner is not at parity with co-accused who were granted bail by this Court. The recovery from the co-accused was of non-commercial quantity. The registration of FIR No. 192 dated 7.7.2020 is an indicator of her conduct, coupled with her antecedents of being involved in number of cases under the Act, no case is made out for grant of bail.

Dismissed.

Since the main case has been dismissed, the pending application, if any is rendered infructuous.

5th August, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>