

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14226-2022 (O&M)

DATE OF DECISION: SEPTEMBER 21, 2022

JASWINDER KAUR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR.AMANDEEP SINGH MANAISE, ADVOCATE
FOR THE PETITIONER.

MR. KUNAL MUTHREJA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

CRM-20769-2022

This application is for preponing the date of hearing of the main petition to an early date, which is fixed for 28.9.2022.

Notice in the application.

At this stage, Mr Kunal Muthreja, AAG, Punjab accepts notice on behalf of the respondent-State and does not oppose the prayer.

Application is allowed and date of hearing is preponed to today.

Main Case

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.86 dated 6.7.2021, under Section 21, 25, 29 NDPS Act, Police Station Bhargo Camp, Police Commissionerate Jalandhar, who is in custody since her arrest on 6.7.2021.

The allegations contained in the FIR, as noticed by the Judge, Special Court, Jalandhar, in the order dated 13.8.2021, are as under:-

“Brief facts, which required consideration for disposal of present bail application are that FIR in question was registered on 06.07.2021, on the basis of secret information that accused/applicant Jaswinder Kaur and her associates Sahil and Mandeep Kumar are indulged in the business of sale of heroin and intoxicant powder and they used to supply the heroin to the customers at their houses. Upon police party headed by ASI Sukhraj Singh started searching the car bearing registration No.PB08-EP-7868 SUV and found that the said car was parked outside the house of the accused Nisha in the street and found that two persons were sitting in the same. The driver disclosed his name as Sahil and the person who was sitting on the adjoining seat of driver seat disclosed his name as Mandeep Kumar. On search of said car in the presence of Shri Palwinder Singh ACP West, Jalandhar, polythene enveloped containing 260 grams heroin was recovered from the said car. Rs.3,47,000/- were also recovered from dash board of the said car.”

Learned counsel for the petitioner has argued that as per the case of the prosecution, contraband was recovered from the car parked outside the house of the petitioner and no recovery was effected from the petitioner who has been falsely implicated. He further submits that the amount of of Rs.3,45,000/- recovered from the petitioner relates to the sale of car by the petitioner to purchaser Ravi. According to the learned counsel, though the charges were framed on 17.3.2022, but only one prosecution witness has been examined so far. He prays for bail.

On the other hand, learned State counsel assisted by ASI

Gurdial Singh has opposed the aforesaid prayer on the ground that the

petitioner, alongwith her son Sahil and another co-accused, was actively involved in supplying the contraband and an amount of Rs.3,45,000/- being drug money was also recovered from the house of the petitioner. He further submits that the car from which the contraband has been recovered was parked outside her house and his son was one of the occupants of the car.

After hearing learned counsel for the parties and considering the above background, this Court finds that as per the prosecution, recovery of commercial quantity of herion was effected from the vehicle parked outside the house of the petitioner and her son is also an co-accused. Since the charges have been framed recently and only one prosecution witness has been examined so far, therefore, considering the seriousness of offence and nature of contraband, this Court is not inclined to extend the concession of regular bail at this stage.

The petition is dismissed.

September 21, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No