

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

**CRM-M-20765 of 2022
Date of Decision: 16.05.2022**

Sunita ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. C.L. Verma, Advocate
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J.(ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre arrest bail to the petitioner in case FIR No.58, dated 20.04.2022, under Sections 21, 22, 27 and 29 of NDPS Act, 1985 registered at P.S. City Jagraon, District Ludhiana.

2. As per the FIR which was lodged on the basis of checking of suspicious persons, a secret informer came and gave information to the police that illegal trade of selling intoxicant powder and intoxicant tablets is being done at a particular place and the person mentioned in the FIR i.e. Bittu was even standing near his hut waiting for the customer for selling intoxicating tablets and intoxicating powder and if raid is conducted, he may be apprehended. Thereafter, raid was conducted and the aforesaid Bittu was apprehended along with 50 intoxicating tablets, 5 gram intoxicant powder, 16 lighters, 6 silver pannis and drug money of Rs. 14,060/-. Learned counsel for the petitioner has submitted that so far as the present petitioner is concerned,

her name has come up only on the basis of disclosure statement and therefore, the petitioner may be considered for the grant of concession of pre arrest bail.

3. On the other hand, learned State counsel has submitted that he has received an advance copy of the present petition and has gone through the same. He has also received the instructions from ASI Sukhwinder Singh. He submitted that it is a case where the petitioner and her husband are habitual offenders dealing with intoxicant substances. He submitted that although the petitioner was nominated only on the basis of disclosure statement of her husband but it is a case where the petitioner is a habitual offender and is also involved in as many as six other cases under the NDPS Act. He further submitted that menace of selling of narcotic drug and psychotropic substances is at large and the petitioner has not come to this Court with clean hands. He further submitted that the petitioner has stated in Paragraph 13 of the petition that against the petitioner, no other NDPS or criminal case is pending whereas in fact, the petitioner is involved in six more cases under the NDPS Act. He has given the details of the same as under :-

- “1. FIR No.80/12 u/s 22-61-85 NDPS Act, P.S. City Jagraon*
- 2. FIR No.85/14 u/s 15-25-61-85 NDPS Act, P.S. Sudhar*
- 3. FIR No.97/14 u/s 15-61-85 NDPS Act, P.S. City Jagraon*
- 4. FIR No.75/17 u/s 22-61-85 NDPS Act, P.S. City Jagraon*
- 5. FIR No.156/17 u/s 22-61-85 NDPS Act, P.S. City Jagraon*
- 6. FIR No.11/18 u/s 15-22-61-85 NDPS Act, P.S. City Jagraon”*

4. Learned State counsel has further submitted that the petitioner has concealed the material facts from this Court and has not come with clean hands and therefore, the petitioner does not deserve the concession of bail.

5. I have heard the learned counsel for the parties.

6. The petitioner has concealed the material facts from this Court.

Paragraph 13 of the petition is reproduced as under :-

“13. That against the present petitioner no other NDPS or criminal case is pending, and she never declared PO in any case.”

7. The present petition is supported by the affidavit of the petitioner, which is at page No.7 of the paper book in which she has stated that she is well conversant with the facts of this petition and is competent to swear this affidavit. The said affidavit is verified by the petitioner and has been notarized. Ordinarily, this Court ought to have proceeded against the petitioner for perjury for filing false affidavit before this Court but considering the fact that the petitioner is a lady, a lenient view is taken so far as the present petitioner is concerned.

8. Although name of the petitioner was nominated on the basis of disclosure statement of co-accused, who is her husband but considering the antecedents of the petitioner and the fact that the petitioner has actively concealed her involvement in other cases, she does not deserve the concession of anticipatory bail.

9. In view of the above, no ground is made out to grant the pre arrest bail to the petitioner. Consequently, the present petition is dismissed.

10. It is made clear that the aforesaid observations would not mean anything on the merits of the case, as the same are only for the purpose of deciding the present petition.

(JASGURPREET SINGH PURI)
JUDGE

May 16, 2022
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No