

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

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CRM-M-36899-2022 (O&M)

Date of Decision: 22.08.2022

PARMINDER KAUR @ KAKE

...Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Ms. Arti Kaur, Advocate for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks anticipatory bail in case FIR No.72 dated 25.07.2022, registered under Sections 15, 21 and 29 of the NDPS Act, at Police Station Sadar Banga, District SBS Nagar.

Learned counsel for the petitioner submits that the petitioner has falsely been involved in the present case; that the petitioner has not been named in the FIR; that nothing was/is to be recovered from the petitioner and that the petitioner has been indicted in the present case, on the basis of the disclosure statement of co-accused, namely, Jagir Kaur, from whom the alleged recovery of 1 kg poppy husk and 5 grams of heroin, was recovered.

Notice of motion.

On the asking of this Court, Mr. Subhash Godara, Additional Advocate General, Punjab, accepts notice on behalf of the respondent-State and submits that the petitioner has specifically been named in the disclosure statement of the co-accused and that, if granted the concession of anticipatory bail, the petitioner would indulge in similar crime again.

I have heard the learned counsel for the parties.

In the present case, co-accused, namely, Jagir Kaur, was arrested at the spot and the recovery was effected from her and she in her disclosure statement has specifically named the petitioner.

The NDPS Act is a self-contained statute which specifically deals with menace of drugs. Stringent provisions have been provided therein for dealing with such cases. The ground that the petitioner was named in the disclosure statement is itself cannot be the sole consideration for grant of pre-arrest bail. A deeper probe is required to unearth the modus operandi and chain of supply. Further, as to whether it is a case of false implication or not, would be a subject matter of investigation.

The Hon'ble Supreme Court in Criminal Appeal No.1005 of 2002 titled State of Haryana Vs. Samarth Kumar, decided on 20.07.2022, has held that advantage of the fact that no recovery was/is to be effected from the petitioner and that the petitioner has been indicted on the disclosure statement of the co-accused, as held in Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1, can be taken into consideration while dealing with the regular bail application or at the time of final hearing after conclusion of the trial.

In view of the above, no ground is made out to grant the concession of anticipatory bail to the petitioner.

Dismissed.

22.08.2022

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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