

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1.

CRM-M-585-2021

Date of decision: 19.07.2023

Jasvir Kaur @ Fojan

.....Petitioner

Versus

State of Punjab

.....Respondent

2.

CRM-M-28862-2021

Date of decision: 19.07.2023

Jasvir Kaur @ Fojan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Ms. Katyayni Dwevedi, Advocate
for the petitioner.

Mr. Vinay Kumar Gupta, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. This order shall dispose of the above referred to petitions as they arise out of the same FIR.

2. In CRM-M-585-2021, the petitioner is seeking the concession of regular bail under Section 439 of the Cr.P.C. in case FIR No.143 dated 23.10.2020 under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Chabbewal, District Hoshiarpur.

3. In CRM-M-28862-2021, the petitioner is seeking the concession of interim bail in the FIR in question.

4. Short reply by way of affidavit of Daljit Singh, PPS,

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Deputy Superintendent of Police, Sub Division Garhshankar, District Hoshiarpur, along with custody certificate, has been filed in the Court today which is taken on record subject to all just exceptions. A copy of the same has been handed over to learned counsel for the petitioner.

5. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the case in hand as the police officials of Police Station Mahilpur were inimical towards her. It has been submitted that prior to the registration of the FIR in question the petitioner had also been falsely implicated in a murder case and this Court in CRM-M-17989-2020 had extended the concession of bail to the petitioner. It has been further submitted that a complaint had been filed by the daughter-in-law of the petitioner and one police official by the name of Sandeep Kumar Bahti had been summoned to face trial under Sections 387 and 354 of the IPC and Section 13 of the Prevention of Corruption Act, 1988. The petitioner and her family were being thus harassed time and again to withdraw the aforesaid complaint. Learned counsel has contended that all the above facts required to be appreciated in the light of it being a case of chance recovery allegedly effected in the present case which clearly hinted towards the false implication of the petitioner as the police officials were nursing grudge against her. Learned counsel has further submitted that the petitioner has now been in custody since 23.10.2020 and there is no likelihood of the trial concluding in the near future as 12 prosecution witnesses still remain to be examined. Hence, the petitioner be enlarged on bail.

6. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite on instructions, has

submitted that a recovery of 300 grams of heroin (commercial quantity) along with ₹10 lakhs, drug money, was effected from the petitioner when she was stopped by a police party during checking of suspicious persons. Thereafter, a disclosure statement was made by the petitioner which led to recovery of another 100 grams of heroin along with ₹40,000/- from her house. Learned State counsel has submitted that the police official Sandeep Kumar Bahti against whom a case had been registered at the instance of the petitioner and her family was in no way connected with the present case as he was neither the investigating officer nor a part of the police party which apprehended the petitioner with the contraband. Learned State counsel has further submitted that the petitioner is a woman of criminal antecedents as she is involved in as many as 18 criminal cases including 10 under the NDPS Act. In support, learned State counsel has drawn the attention of this Court to the custody certificate.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In the facts and circumstances as enumerated hereinabove, the petitioner prima facie appears to be a habitual offender for which she does not deserve to be extended the concession of bail. It is apparent that while she was on bail in some of other criminal cases which already stood registered against her, she had yet again been involved in a case under the NDPS Act. Therefore, in the circumstances, this Court does not deem it fit to extend the concession of bail to the petitioner.

9. Accordingly, both the petitions stand dismissed.

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10. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

19.07.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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