

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

CRM-M-9811-2023
Date of Decision: March 28, 2023

Chhindo @ Chhindo Devi

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anshul Sharma, Advocate,
for Mr. S.S. Thakur, Advocate,
for the petitioner.

Mr. Ruchika Sabherwal, DAG, Punjab.

Vivek Puri, J.

Petitioner is seeking anticipatory bail in case bearing FIR No. 342, dated 28.11.2022, under Section 21-B of the Narcotic Drugs and Psychotropic Substances Act (for short 'NDPS Act'), registered at Police Station Phillaur, District Jalandhar.

Status report by way of affidavit of Jagdish Raj, PPS, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural) on behalf of the respondent-State filed in Court today, is taken on record.

Briefly, the FIR has been registered in pursuance of the recovery of 35 grams of poppy husk from the possession of the co-accused Manjeet Kaur.

Learned counsel for the petitioner contends that the petitioner along with Pinki and Kulwinder Kaur have been nominated on the basis of the disclosure statement of Manjeet Kaur co-accused, who has been granted regular bail. Pinki and Kulwinder Kaur co-accused have been granted pre-arrest bail by the learned Judge, Special Court.

The learned State counsel has opposed the bail application on the score that the petitioner is the mother-in-law of Manjeet Kaur and as per the disclosure statement, Manjeet Kaur had purchased 25 grams and 30 grams heroin from Pinki and Kulwinder Kaur, respectively., Thereafter, she sold 10 grams of heroin and further gave 10 grams of heroin to his mother-in-law i.e. the petitioner. Moreover, merely because the petitioner has been nominated on the basis of the disclosure statement of the co-accused Manjeet Kaur, cannot be termed to be a circumstance to extend concession of anticipatory bail and furthermore, in view of decision rendered in ***State of Haryana vs. Samarth Kumar, 2022 (3) RCR (Cril.) 991 (Supreme Court)***, the petitioner is not entitled to concession of anticipatory bail.

It may be mentioned here that the recovery has been effected from the co-accused who is the daughter-in-law of the petitioner and two of the co-accused who have been nominated on the basis of the disclosure statement of Manjeet Kaur co-accused have been granted anticipatory

bail. However, the case of the petitioner cannot be termed at parity with Pinki and Kulwinder Kaur co-accused. The perusal of the order, vide which they have been granted pre-arrest bail, indicates that as per the record, no FIR has been registered against them.

It shall not be out of place to mention here that the status report submitted by the State in the instant case reveals that the petitioner is involved in the following cases:-

Sr. No.	FIR No., dates and under Sections	Status	Recovery
1.	FIR No. 351, dated 30.09.2017, under Section 21-B/61/85 NDPS Act, Police Station Phillaur, Jalandhar (Rural)	Convicted on 26.10.2021	27 gram intoxicant power
2.	FIR No. 235, dated 02.10.2015, under Section 15/61/85 NDPS Act, Police Station Phillaur, Jalandhar (Rural)	Convicted on 15.05.2018	05 Kg poppy husk
3.	FIR No. 329, dated 30.10.2020, under Section 21-B/61/85 NDPS Act, Police Station Phillaur, Jalandhar (Rural)	Challan submitted before the Ld. Court on 22.01.2021	5 gram heroin
4.	FIR No. 184, dated 13.06.2020, under Section 61(1)(14) Excise Act, Police Station Phillaur, Jalandhar (Rural)	Convicted on 17.03.2021	6750 ML Liquor
5.	FIR No. 98, dated 03.12.2013, under Section 15/61/85 NDPS	Convicted on 02.03.2015	5 Kg poppy husk

	Act, Police Station Phillaur, Jalandhar (Rural)		
6.	FIR No. 203, dated 27.07.2022, under Section 21-A/61/85 NDPS Act, Police Station Phillaur, Jalandhar (Rural)	Challan submitted before the Ld. Court on 23.09.2022	05 gram heroin

In these circumstances, it is apparent that the petitioner has been convicted in 03 cases under NDPS Act and one case under Punjab Excise Act. Besides, she is also facing trial in two other cases under NDPS Act. Manjeet Kaur from whom the recovery has been effected is the daughter-in-law of the petitioner. Even, there are allegations to the effect that some portion of the heroin received by the co-accused was further handed over to the petitioner for the purpose of sale. The other cases in which the petitioner has been convicted and pending against her clubbed with the fact that there are allegations with regard to indulging in sale of heroin in the instant case requires thorough probe and investigation in the matter. The drug menace has attained dangerous heights and such offences are required to be thoroughly investigated and the same cannot be viewed lightly. In such circumstances, the petitioner cannot be held entitled to the concession of anticipatory bail merely on the score that she has been nominated on the basis of the disclosure statement of the co-accused Manjeet Kaur.

Keeping in view the entire circumstances and the antecedents of the petitioner, no extra ordinary circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

The present petition is dismissed, accordingly.

March 28, 2023
vkd

[Vivek Puri]
Judge

Whether reasonable / speaking	:	Yes / No
Whether reportable	:	Yes / No