

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

CRM-M-15711-2023

Date of Decision: 04.12.2023

SOMA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Karanjit Sing Brar, Advocate for the petitioner.

Mr. Mohit Kapoor, Addl. AG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

Prayer in the instant petition under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No. 205 dated 17.06.2022 under Section 21 of the NDPS Act, 1985, registered at Police Station Dera Bassi, District SAS Nagar, Mohali, Punjab.

2. Learned counsel for the petitioner submits that a false and fabricated case has been planted upon the petitioner who admittedly is a 80 year old woman. He further submits that it is highly improbable that a 80 years old lady would have been carrying/transporting 1 kg 500 gms of heroin, as alleged. Learned counsel has submitted that the petitioner has clean antecedents, and hence, it gives further credence to her false implication in the case in hand. He prays for extending the concession of bail to the petitioner who has now been in custody since 17.06.2022 and as on date only 05 out of the 17 witnesses cited by the prosecution have been examined, hence, there is no possibility of the trial concluding in the near future.

3. Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has submitted that a specific secret

information was received that a lady was carrying heroin and when the police party intercepted the petitioner she was caught with 1 kg 500 gms of heroin. He has further stated on instructions, that all the mandatory provisions of NDPS Act were duly complied with when the alleged recovery was effected from the petitioner. Learned State counsel on further instructions from ASI Lakhwinder Singh, Police Station Dera Bassi, has controverted the submissions made by learned counsel for the petitioner that she has clean antecedents. He submits that petitioner is involved in two other cases under the NDPS Act i.e. FIR No. 23 dated 16.05.2021 and FIR No. 105 dated 10.12.2017 registered at Police Fathegarh Panjtur, District Moga.

4. I have heard learned counsel for the parties and perused the record.

5. Prima facie the petitioner comes across as a habitual offender which is further evident from the fact that she was allegedly caught with the recovered contraband after she was on bail in FIR No. 23 dated 16.05.2021. Further, only 12 witnesses remain to be examined, who are formal witnesses. Hence, there is every likelihood that trial would not take much time to conclude.

6. In the facts and circumstances as enumerated hereinabove this Court does not deem it fit to grant the concession of bail to the petitioner. The petition is dismissed.

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

(MANJARI NEHRU KAUL)
(JUDGE)

04.12.2023

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