

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-17139-2023

Date of decision: 04.09.2023

Charan Kaur @ Charno Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Harmanjeet Singh Sandhu, Advocate for
Mr. Jagmeet Singh Moudgill, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.45 dated 06.03.2023 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Bhawanigarh, District Sangrur.

2. On 12.04.2023, while noticing the following submissions made by the learned counsel for the petitioner, a Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked her to join investigation:-

“Learned counsel for the petitioner contends that petitioner has been falsely implicated in the present case on the basis of disclosure statement of the co-accused namely Baljit Kaur @ Rajo, from whom the alleged contraband was recovered. Learned counsel further contends that the alleged quantity of contraband i.e. 12 grams of Heroin, recovered from the co-accused, is noncommercial quantity and submits that since nothing is to be recovered from the petitioner, so her custodial interrogation is not required and no other case is pending

against her. Learned counsel further submits that petitioner is ready to join the investigation.”

3. Learned counsel for the petitioner submits that in compliance of order dated 12.04.2023 passed by a Coordinate Bench of this Court, the petitioner has joined investigation and cooperated with the investigating agency.

4. On the last date of hearing, the prayer made by the counsel for the petitioner had been vehemently opposed by the learned State counsel, who on instructions, had informed the Court that the petitioner is a woman of criminal antecedents as she is involved in a number of criminal cases including one under the NDPS Act, which has been withheld from this Court. Learned counsel for the petitioner had then sought an adjournment to get relevant instructions in the said regard.

5. Today, learned counsel appearing for the petitioner submits that no doubt the petitioner is indeed involved in other criminal cases including a case under the NDPS Act, however, she is on anticipatory bail in the said case.

6. Be that as it may, there has been blatant material concealment from this Court as the criminal antecedents of the petitioner were not disclosed in the petition. Rather in paragraph 9 of the petition it had been specifically averred that the petitioner was neither a proclaimed offender nor involved in any other case under the NDPS Act. This Court in the facts and circumstances as enumerated hereinabove, thus, does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner moreso, since she has criminal antecedents.

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7. Accordingly, the instant petition is hereby dismissed.

8. 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.

04.09.2023 (MANJARI NEHRU KAUL)
Vinay JUDGE

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