

2023:PHHC:086153

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

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CRM-M-30708-2023

Date of decision : 06.07.2023

Karamjeet Kaur

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.S. Jammu, Advocate
for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

Prayer is for grant of pre-arrest bail to the petitioner in FIR No.170 dated 24.05.2023, registered for the offences punishable under Section 21 of the NDPS Act at Police Station Kalanwali, District Sirsa.

2. As per the allegations levelled in the FIR, the case of the prosecution is as under:-

“On 24.05.2023, a police party headed by SI Lekh Raj, on the basis of secret information, raided the house of present petitioner Karamjit Kaur wife of Baljinder Singh where she was standing in the public street in front of his house carrying a black polythene and on seeing the police party she threw away the black polythene and fled away from the spot. Some material like heroin (chitta) has come out of the black polythene and on weighment it was found to be 8 grams 10 miligrams. Hence the present FIR.”

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3. Learned counsel for the petitioner submits that it is highly improbable that the petitioner would abscond despite the fact that there was a police party that too accompanied by woman constable on the spot. He further submits that no recovery has been effected from the petitioner and in fact it is a case of false implication.

4. Reply to the petition has been filed by way of affidavit of Gurdial Singh, DSP, Kalanwali, District Sirsa. It has come on record that as per the FIR, the petitioner was indulging in drug paddling that too in front of her house and after seeing the police party, she just faded away in the streets and obviously she being well conversant with the vicinity and the topography was able to dodge the police party. Thus, there is nothing on the basis of which it can be said that the story put forward by the prosecution is not worthy.

5. Reliance is being placed upon ***Gurbaksh Singh Sibbia vs. State of Punjab, 1980(2) SCC 565***, wherein Apex Court has held that :-

“..That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application

for anticipatory bail....”

6 Likewise while reiterating the law laid down in **Gurbaksh Singh Sibbia's case (supra)** Apex Court in **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another, 2020 (5) SCC 1** held that :-

“(4) Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it.”

5. In view of above and keeping in view the conduct of the petitioner, this Court does not find it a fit case to grant pre-arrest bail to petitioner under Section 438 Cr.P.C. and the same is hereby dismissed.

(PANKAJ JAIN)
JUDGE

06.07.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No