

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

(Sr. No. 205)

**CRM-M No. 49428 of 2022**

**Date of decision : 07.02.2023**

**Baljinder Kaur**

.....Petitioner

*Versus*

**State of Punjab**

.....Respondent

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present : Mr. Ashok Giri, Advocate for the petitioner.  
Mr. Arun Luthra, DAG, Punjab.

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**DEEPAK SIBAL, J. (Oral)**

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.56 dated 22.08.2022 registered under Section 22 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station City Banga, District SBS Nagar.

Briefly stated, the case of the prosecution is that co-accused Mandeep Kumar was found in illegal possession of 50 tablets containing tramadol hydrochloride on the basis thereof he was arrested. Mandeep Kumar's interrogation revealed that he had purchased the recovered drugs from the petitioner and therefore the petitioner was also arrayed as an accused. Apprehending her arrest the petitioner applied for anticipatory bail to the Sessions Court at SBS Nagar and on the dismissal of her application she has approached this Court through the instant petition to claim the relief

which was declined to her by the Sessions Court.

Learned counsel for the petitioner contends that the petitioner is a housewife; the only evidence against the petitioner is the disclosure statement of a co-accused in police custody which has no evidentiary value; the drugs allegedly recovered from co-accused Mandeep Kumar would be classified as “non-commercial” quantity and therefore while considering the plea for the grant of anticipatory bail the rigour of Section 37 of the NDPS Act would not apply.

Learned State counsel opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender as she, in addition in the case in hand, is involved in two other cases under the NDPS Act out of which one was registered against her when she was on interim bail granted to her by this Court in the instant case. He further submits that in case the petitioner is granted anticipatory bail she is likely to repeat the same offence she is accused of.

The petitioner is accused of having sold tramadol hydrochloride to co-accused Mandeep Kumar from whose illegal possession 50 tablets containing the aforesaid chemical have allegedly been recovered; including the case in hand the petitioner faces three criminal cases under the NDPS Act; one of the cases under the NDPS Act was registered against the petitioner during the period when she was on interim bail granted by this Court in this case and thus, she misused the concession of interim bail granted by this Court and repeated the offence for which she had already been accused of twice over.

In the light of the above, the petitioner does not deserve to be granted the concession of anticipatory bail.

Dismissed.

It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

**07.02.2023**

*sunil yadav*

**( DEEPAK SIBAL )  
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No