

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M No.1257 of 2024  
Date of decision: 2<sup>nd</sup> May, 2024

Seeto

... Petitioner

Versus

State of Punjab

... Respondent

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

Present: Mr. Ashok Giri, Advocate for the petitioner.

Mr. Navdeep Singh, Dy. Advocate General, Punjab  
for the respondent/State.

**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.159 dated 07.11.2023 under Sections 21(b)/22(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act added later on) registered at Police Station Goraya, District Jalandhar.

2. On the last date of hearing, i.e. 11.01.2024, while noticing the following submissions made by 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.

*“As per the FIR, one Rakesh Kumar @ Roda was apprehended by the police during the course of patrolling and from whose search 7 grams of ‘heroin’ and 350 intoxicant tablets were recovered. It is further the case of*

*prosecution that during the course of interrogation the aforesaid Rakesh Kumar @ Roda disclosed that the aforesaid contraband had been supplied to him by his own mother i.e. the petitioner.*

*Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that it is highly unlikely that a son would name his own mother as an accused. It has further been submitted that the disclosure statement, in any case, would hardly carry any evidentiary value and that, in these circumstances, the petitioner deserves the concession of anticipatory bail particularly when even the main accused Rakesh Kumar @ Roda has already been granted the benefit of interim regular bail on account of non-submission of FSL report.”*

3. Learned counsel for the petitioner submits that in compliance of the order dated 11.01.2024, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Charanjit Singh, has however, vehemently opposed the prayer and submissions made by the counsel opposite for extending the extraordinary concession of anticipatory bail to the petitioner. It has been brought to the notice of this Court by the learned State counsel, on instructions, and a fact which has not been disputed by the learned counsel for the petitioner as well, that she is a woman of criminal antecedents and is a habitual offender; previously she has been involved in six other cases under the NDPS Act, though in three out of those six, she was

acquitted. Learned State counsel has further submitted that no doubt she was nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Rakesh Kumar @ Roda, from whom a recovery of 350 intoxicant tablets was affected, however, the said co-accused is none other than her own son. Learned State counsel has also submitted that in the circumstances, keeping in view that the petitioner is repeatedly committing offences under the NDPS Act, her custodial interrogation would be required.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. In the facts and circumstances as enumerated hereinabove, prima facie the petitioner does come across as being a habitual offender. This Court, thus, concurs with the instructions received by the learned State counsel that the custodial interrogation of the petitioner would be necessitated. The petition as such is dismissed. 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.

(MANJARI NEHRU KAUL)  
JUDGE

May 2, 2024  
rps

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |