



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

CRM M-4485-2024 (O&M)
Date of Decision: 21.05.2024

Binder Kaur Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhavdeep Singh Mamli, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No. 278 dated 06.12.2023 registered under Sections 22 & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Bhikhi, District Mansa.

2. Allegations are that co-accused Jagtar Singh was found in possession of 22,300 tablets of Tranwel SR Tramadol. Petitioner has been nominated in the present case on the basis of disclosure made by said Jagtar Singh.

3. Learned counsel contends that petitioner has been nominated merely on the basis of disclosure made by co-accused Jagtar Singh and she has nothing to do with the alleged offence. Also contends that petitioner is ready to join the investigation.

4. *Per contra*, learned State counsel, while making reference to para 3 (viii) of the affidavit dated 06.02.2024 filed by Deputy Superintendent of

Police, Sub Division Mansa, District Mansa, submits that petitioner is a



previous convict in 03 cases; out of which two cases are under the NDPS Act and third under Section 379 of IPC; apart that, she is facing trial in 06 other cases, including the present one; thus, her custodial interrogation would be required to know the *modus operandi*.

5. Heard learned counsel for the parties and perused the paper-book.
6. It transpires that apart from the present FIR, petitioner is involved in 08 other cases and which are as under:-

<i>Sr. No.</i>	<i>FIR NO.</i>	<i>Under Section</i>	<i>Police Station</i>	<i>Status</i>
1.	21 dated 16.09.2010	15 NDPS Act	Kot-Dharmu	Convicted
2.	80 dated 13.06.2018	15 NDPS Act	Bhikhi	Convicted
3.	57 dated 10.08.2014	379 IPC	Raikot	Convicted
4.	143 dated 14.09.2019	21 NDPS Act	Bhikhi	Pending
5.	11 dated 18.01.2020	22 NDPS Act	Bhikhi	Pending
6.	127 dated 09.06.2020	21,25,29 of NDPS Act	Bhikhi	Pending
7.	27 dated 26.02.2021	302,201/34 IPC	Bhikhi	Pending
8.	127 dated 24.07.2022	22,29 NDPS Act	Bhikhi	Pending

7. In view of the above, it is apparently clear that petitioner is habitual offender and as such, her custodial interrogation would be required to know the true facts. Thus, there is no option, except to dismiss the petition.
8. Ordered accordingly.
9. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10. However, it is clarified that interim order dated 16.02.2024 shall come to an end, automatically.



11. Pending criminal misc. application(s), if any, shall also stand disposed off.

21.05.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No