

Neutral Citation No.2024:PHHC:027418

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7828 of 2024

Date of Decision:27.02.2024

Kashmiro

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

DEEPAK GUPTA, J.

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.19 dated 11.01.2024 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') and Sections 42, 52A of Prisons Act, 1894 at Police Station City Ferozepur, District Ferozepur, Punjab.

Status report by way of affidavit of Shri Sukhwinder Singh, PPS, Deputy Superintendent of Police (City), Ferozepur has been filed on behalf of the respondent- State.

Shri Gopal Chand, the husband of the petitioner is a convict in case FIR No.42 of 2018, under Section 15/25 of the NDPS Act and is undergoing sentence of 12 years in Central Jail, Ferozepur.

The allegations are that on 09.01.2024, petitioner visited the Central Jail along with her Aadhar Card and deposited LED 23” for her husband. On 11.01.2024, complaint was made by Assistant Superintendent, Central Jail, Ferozepur with the allegations that in the LED 23”, as

deposited by the petitioner for her husband, 440 intoxicating tablets along with three touch screen mobile phones, three keypad mobile phones, two head phones and one data cable were recovered. The present FIR was accordingly registered.

It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated; though the alleged occurrence is of 09.01.2024 but FIR was registered on 11.01.2024; that no independent witness was joined at the time of alleged recovery. Learned counsel further contends that there is no evidence that tablets as allegedly recovered by the jail authorities, were covered under the NDPS Act. Learned counsel also contends that the petitioner is ready to join the investigation and so she be allowed the anticipatory bail.

As per the status report filed by the respondent- State, the FSL report is yet to be received in respect of 440 intoxicating tablets as were recovered in this case.

Learned State Counsel has strongly opposed the petition by submitting that the petitioner has not disclosed that in case 440 tablets were not intoxicating, then for what purpose, this large quantity of tablets were supplied by her to her husband by concealing the same in LED 23" along with three touch screen mobile phones, three keypad mobile phones, two head phones and one data cable. Learned State Counsel further contends that custodial interrogation of the petitioner is required to know the involvement of the other accused. He prayed for dismissal of the petition.

I have considered the submissions of both the sides and perused the record.

Having considered all the afore-said submissions of both the sides; and the nature of allegations against the petitioner, who supplied the alleged

contraband along with other electronic devices to her husband, who is undergoing sentence in jail, the custodial interrogation of the petitioner may be required so as to unearth the entire truth. As such, this Court does not find the present case to be fit for grant of anticipatory bail.

Dismissed.

February 27, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No