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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-9159-2024
Date of decision: 09.04.2024

RANJANA

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amit Kumar, Advocate
for the petitioner.

Mr. Adeshwar Singh Pannu, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is a second petition filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.22 dated 15.02.2023, under Sections 21, 29-61-85 of the NDPS Act, registered at Police Station Sujampur, District Pathankot, Punjab.
2. Learned counsel for the petitioner submitted that the petitioner is in custody for 1 year, 1 month and 19 days and no prosecution witness has been examined till date. He further submitted that as per the allegations, the police had recovered 300 grams of *heroin* from the co-accused, namely, Shekhar and thereafter, the name of the petitioner was nominated on the basis of disclosure statement of the aforesaid co-accused on the ground that the aforesaid *heroin* was purchased from the present petitioner and he was to sell the same to various addicted persons. He also submitted that since the petitioner has already faced

incarceration for more than 1 year, she may be considered for grant of regular bail.

3. On the other hand, Mr. Adeshwar Singh Pannu, AAG, Punjab has vehemently opposed the grant of regular bail to the petitioner on the ground that it is a case where although the petitioner was not named in the FIR and there was no recovery effected from the petitioner but it is a case where a gang is being operated, wherein the aforesaid co-accused, namely, Shekhar, who was apprehended purchased *heroin* to the extent of 300 grams from the present petitioner in order to further sell the same to various addicts and these persons had formed a chain through which the *heroin* was being distributed to various addicts in the State of Punjab. He further submitted that the petitioner is involved in as many as 18 more cases, out of which 2 cases pertain to the NDPS Act and she is a habitual offender. He also submitted that there is a strong apprehension that in case the petitioner is released on bail, then she may again repeat the offence and affect the lives of people and has therefore, opposed the grant of regular bail to the petitioner on this ground.

4. I have heard the learned counsel for the parties.

5. The petitioner although is a lady but as per the allegations, the aforesaid co-accused, namely, Shekhar had purchased 300 grams of *heroin* from the petitioner and the petitioner is involved in as many as 18 more cases including 2 cases under the NDPS Act. Although the custody of the petitioner is more than 1 year but the apprehension which has been expressed by the learned State counsel considering the background and the allegations in the present case cannot be ignored and does carry weight. It is a matter of common knowledge that the drug menace is rampant in the State of Punjab and the allegation is that

the petitioner had sold 300 grams of *heroin* to the aforesaid co-accused from whom there was a recovery and the said *heroin* was to go to various addicts in the State of Punjab.

6. Therefore, considering the gravity of the offence and the role of the petitioner, this Court does not deem it fit and proper to grant the concession of regular bail to the petitioner.

7. Consequently, the present petition is hereby dismissed.

8. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

09.04.2024
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No