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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.11589 of 2023 (O&M)

Date of decision : 12.01.2024

Ravinder Kaur

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. K.S.Dadwal, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Addl. A.G., Punjab.

PANKAJ JAIN, J. (ORAL)

1 This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.182 dated 17.09.2022 registered under Section 21 of the NDPS Act at Police Station Mahilpur, District Hoshiarpur.

2 As per the contents of the FIR, it has been alleged as under :-

“Today I SI/SHO alongwith ASI Ram Lal No.619, HPR, ASI Balveer Singh No. 1154 HPR, Head Constable Kuldeep Singh No. 1232 HPR (alongwith laptop and printer), Head Constable Ankush Kumar No. 1725 HPR; Lady/Head Constable Parminder Kaur 928 HPR; PHG Paramjit Kaur 26924, PHG Jaswinder Singh 26920, on government vehicle, which was being driven by driver ASI Kulwinder Singh No.681/Hoshi;, in connection with patrolling duty and checking of bad elements were present at Harbans Gate Mahilpur, then a secret informer informed that Jasvir Kaur alias Faujan wife of Late Sh. Kishan Singh, resident of Langeri Road, Mahilpur and her family, who are indulging in the illegal business of selling of heroin in large scale, against whom several cases are registered. Jasvir Kaur Faujan is currently confined in jail, but her family, in which, her daughter-in-law, her four girls, one boy and two maids and other family members at her behest sell heroin on a large

scale in her own house and even today also her family by putting the money earned from drugs and heroin in a plastic envelope and concealed it beneath the earth by putting a deep hole and thereby covered it with the soil in the raw yards (Kucha Vehra) of the house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur and heroin has buried near the kitchen wall near the outside kitchen. Even as on today also Usha Devi wife of late Tilak Raj, resident of house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Manjit Kaur wife of Paramjit, resident of house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Renu daughter of late Kishan Singh wife of not known, resident of Kingra Chow Wala Police Station Bhogpur, at present resident of house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Maninder wife of Raja daughter of late Kishan Singh, resident of Thadian, District SBS Nagar, at present resident of house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Vinu wife of not known daughter of Late Kishan Singh, resident of Jhandu Chak, Police Station Bhogpur, now residing at the house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Rimpi wife of Honey, daughter of Kisan Singh, resident of Chandigarh now residing at the house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Ravinder Kaur wife of Rammi daughter of late Kishan Singh, resident of house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, Bikram Singh alias Rammi son of Late Kishan Singh, resident of house of Jasvir Kaur alias Faujan, Langeri Road, Mahilpur, currently is residing in his house, are selling the heroin at large scale by putting in the envelopes. If immediate raid is carried out, then they alongwith heroin in a large scale and drug-earned money, can be apprehended at the spot. Since the information is solid and reliable, therefore, an offence makes out under sections 21-61-85 NDPS Act, hence, to register a case against the aforesaid, a ruga after reducing into writing is being sent through Head Constable Ankush Kumar No. 1725 HPR to police station to register a case. After registration of case, its number should be intimated. Special reports be issued. Intimation be given to the control room. I SI/SHO alongwith companion staff on government vehicle, with its driver ASI Kulwinder Singh 681/HPR as well as private vehicles proceed to Langeri Road Mahilpur. Sd/- Jaswant Singh SI Station House Officer Mahilpur Dated 17.09.2022 Today at Harbans Gate Mahilpur at 5:10PM”

3 Learned counsel for the petitioner submits that it is a case where there is no recovery from the petitioner and on the secret

information whole of the family was named. Challan stands presented. Most of the witnesses are official and thus there can not be any apprehension that the petitioner shall tamper with the evidence.

4 *Per contra* learned State counsel submits that it is a case involving a family and each member is facing multiple FIRs under NDPS Act and the prime accused i.e. the mother-in-law has more than 17 cases against her. However, he does not dispute that so far as the present case is concerned, though the petitioner was named on the basis of secret information but no recovery has been effected.

5 I have heard learned counsel for the parties and have gone through the records of the case.

6 Without commenting on the merits of the case and considering the incarceration suffered by the petitioner and the fact that it is not a case of any recovery from her, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned. However, in addition to conditions that may be imposed by the Trial Court/Duty Magistrate concerned, the petitioner shall remain bound by the following conditions :-

- (i) The petitioner shall not mis-use the liberty granted.*
- (ii) The petitioner shall not tamper with any evidence oral or documentary during the trial.*
- (iii) The petitioner shall not absent himself on any date before the trial.*
- (iv) The petitioner shall not commit any offence while on bail.*
- (v) The petitioner shall deposit his passport, if any with the trial Court.*
- (vi) The petitioner shall give his cellphone number to the police authorities and shall not change his cell-phone number without permission of the trial Court.*
- (vii) The petitioner shall not in any manner try to delay the trial.*

7 Needless to say anything recorded herein shall not be construed

as an expression of opinion on the merits of the case.

12.01.2024

Pooja sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable : No