

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17913 of 2024

Date of decision: 19th April, 2024

Sangita Rani

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.121 dated 28.03.2024 under Sections 21(b)/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Mandi Dabwali, District Sirsa.

2. Learned counsel inter alia contends that the petitioner, who is a 42 year old woman, is being unnecessarily harassed by being falsely implicated in one case after another under the NDPS Act, which is evident from the fact that all the cases which stand registered against her are under the jurisdiction of same Police Station. It has been further submitted that in the present case, the recovery allegedly affected was 126 grams of Heroin; on being interrogated, the co-accused allegedly suffered a disclosure statement nominating the petitioner as an accused.

It has been argued that the evidentiary value of such a disclosure statement is of weak nature. It has also been submitted that in all the other three cases, which stand registered against the petitioner under the NDPS Act, she was nominated as an accused on the basis of disclosure statements allegedly suffered by co-accused, from whom recovery of contraband was affected.

3. Notice of motion.

4. Ms. Trishanjali Sharma, Dy. Advocate General, Haryana who is present in Court, accepts notice on behalf of the State.

5. Learned State counsel, on instructions, has submitted that a secret information was received qua the involvement of the co-accused in drug trafficking. On being apprehended, no doubt recovery of 126 grams of Heroin (non-commercial quantity) was affected from him, however, it was during investigation that the name of the petitioner surfaced and it came to light that she was the supplier of the recovered contraband. Learned State counsel has controverted the submissions made by the counsel opposite qua the petitioner being falsely implicated in different cases under the NDPS Act on the basis of disclosure statements. Learned State counsel, on further instructions, has submitted that in fact in one case bearing FIR No.547 dated 01.09.2023 registered at Police Station Mandi Dabwali, recovery of 15 grams of Heroin had been affected from the conscious possession of the petitioner. She submits that it is evident that the petitioner is a habitual

offender and has misused the concession of bail which had been granted to her in the previously instituted criminal cases against her.

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

7. Prima facie, the petitioner does come across as a habitual offender in view of her involvement in as many as 4 cases under the NDPS Act. Apparently, she has misused the concession of bail, which was previously granted to her in other cases under the NDPS Act. In the facts and circumstances as enumerated hereinabove, no ground is made out to extend the extraordinary concession of anticipatory bail to the petitioner. The petition stands dismissed.

8. 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

April 19, 2024
rps

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