

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

CRM M-18493-2024 (O&M)
Date of Decision: 19.04.2024

Sarabjit Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Prateek Pandit, 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. 48 dated 06.03.2024 registered under Sections 21(b) and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Phillaur, District Jalandhar (Rural).

2. Allegations are that 08 gms *Heroin* was recovered from the possession of co-accused Ajay Kumar @ Dani. Petitioner has been nominated in the present case on the basis of disclosure made by said Ajay Kumar @ Dani.

3. Learned counsel contends that petitioner is not named in the FIR; rather nominated on the basis of disclosure made by co-accused Ajay Kumar @ Dani. Also contends that petitioner is ready to join the investigation, but she be protected. Further contends that with similar allegations, co-accused (Pardeep Kaur @ Mithu) has been granted the concession of pre-arrest bail by learned Special Court, Jalandhar on 18.03.2024 (P-2).

4. *Per contra*, learned State counsel, after obtaining instructions, has apprised the Court that there are 08 convictions to the credit of petitioner; therefore, she does not deserve the concession of pre-arrest bail.
5. Heard learned counsel for the parties and perused the paper-book.
6. As per information supplied by learned State counsel, petitioner is a previous convict in the following cases:-

Sr. No.	FIR Number	Offence	Police Station	Status
1.	10 dt. 28.01.2008	21 of NDPS Act	Banga	Convicted
2.	146 dt. 19.06.2007	21 of NDPS Act	Banga	Convicted
3.	177 dt. 05.07.2006	15 & 21 of NDPS Act	Banga	Convicted
4.	24 dt. 13.03.2015	21 & 22 of NDPS Act	Banga	Convicted
5.	294 dt. 27.10.2009	21 of NDPS Act	Banga	Convicted
6.	306 dt. 08.11.2009	21 of NDPS Act	Banga	Convicted
7.	81 dt. 17.03.2006	21 of NDPS Act	Banga	Convicted
8.	108 dt.07.12.1992	61 of Excise Act,1914	Banga	Convicted

7. Although, petitioner was not named in the present FIR; rather she has been nominated on the basis of disclosure made by co-accused; but taking into consideration her antecedents, this Court is not inclined to grant the concession of pre-arrest bail to the petitioner.
8. In view of the above, there is no option, except to dismiss the present petition.
9. Ordered accordingly.

10. 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.

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

19.04.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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