



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

104

CRM-M-26484-2024
Date of decision: May 24th, 2024

Baljinder Kaur

.....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Parminder Singh Kanwar, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J.

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in NCB Crime No.79/2022 dated 15.11.2022 under Sections 8, 8-A, 18, 21, 23, 25, 27-A, 27-B, 29, 60 and 62 of the NDPS Act, 1985. registered at Police Station NCB Chandigarh.

2. Learned counsel for the petitioner has asserted that the petitioner, who is a lady, is completely innocent and has been falsely implicated in the present case, through a disclosure statement and a supplementary charge-sheet filed long after the other co-accused had been arrested. It has been further contended that even as per the case of the prosecution, she was not involved in the trafficking of heroin for which her co-accused were arrested after a recovery of 20 kilograms, 326 grams of heroin was affected from co-accused Sandeep Singh pursuant to a secret information received. Learned counsel submits that

it is also a matter of record that no secret information was received qua the petitioner, which clearly shows that she was in no way involved in drug trafficking. It has been asserted by the learned counsel that the petitioner has strained relations with her husband i.e. the co-accused and her only connection to the crime in question is that her husband i.e. the co-accused had purchased immovable property in her name, allegedly with drug money. It has been argued that since the petitioner had strained relations with her husband, she could not have possibly known the illicit source of the funds used by her husband for the purchase of the property. Learned counsel has submitted that she has no criminal antecedents much less being involved in any other case under the NDPS Act; she has two small children and has been now living at the mercy of others. It has also been argued that in the aforementioned facts and circumstances, her custodial interrogation would serve no useful purpose and she was willing and ready to join investigation and cooperate with the investigating agency.

3. Notice of motion.

4. Mr. Premjit Singh Hundal, Senior Panel Counsel, UOI, with Mr. Saurabh Goel, Advocate, accepts notice on behalf of the respondent.

5. *Per contra*, learned counsel, who has put in appearance on behalf of the NCB, has opposed the prayer and submissions made by the counsel opposite.

6. Learned counsel has not disputed that no secret information was received regarding the involvement of the petitioner in drug trafficking. However, he submits that during investigation, after

the co-accused including her husband were arrested, her name surfaced and it came to the fore that her husband had invested in properties in her name with the drug money. Learned counsel for NCB has also brought to the notice of this Court that ever since the name of the petitioner surfaced during interrogation, she has been on the run and is evading the process of law, as a result of which proceedings under Section 82 of the Cr.P.C. have been initiated against her. Learned counsel has argued that the custodial interrogation of the petitioner is required to uncover the entire drug syndicate, of which her husband is an active member; 17 accused have already been arrested including accused Sandeep Singh from whom a huge recovery of 20 kilograms, 326 grams of heroin was affected.

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

8. *Prime facie*, there are serious and specific allegations against the petitioner. It is alleged that her husband, a co-accused, purchased properties from proceeds of crime in her name. Thus, this Court concurs with the prayer made by learned counsel for NCB that custodial interrogation of the petitioner is necessary to uncover the entire drug syndicate. Only through such interrogation can the truth about her involvement or non-involvement in drug trafficking, and the extent of her involvement, if any, be determined. Further, this Court cannot also turn a blind eye to the fact that proceedings under Section 82 of the Cr.P.C. have already been initiated against the petitioner.

9. The instant petition, therefore, stands dismissed.

10. 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.

May 24th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No