



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-27517-2024

Date of decision: 10.09.2024

Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Piyush Sharma, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.186 dated 22.09.2023 under Sections 21, 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Section 29 of the NDPS Act added lateron) registered at Police Station Guruharsahai, District Ferozepur.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case on the basis of an alleged secret information and thereafter a recovery of 270 grams of heroin planted upon her. It has been argued by learned counsel that in fact there was a history of enmity between the petitioner and one of the police officials which was the reason behind her false implication in the present case. It has been further argued by the learned counsel that although challan stands presented in the present case, however, the trial



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has not made much headway as only 01 prosecution witness out of the 11 cited has been examined. Hence, further incarceration of the petitioner would serve no useful purpose.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has submitted that a specific tip off was received qua the involvement of the petitioner in drug trafficking. Following the information received, the petitioner was then nabbed with 270 grams of heroin which has been classified as commercial under the NDPS Act. It has also been argued by the learned State counsel that there is no question of the petitioner being falsely implicated in the present case much less at the behest of some police official because it is a matter of record that she is a habitual offender and is involved in 09 other criminal cases which include 08 cases under the NDPS Act. Learned State counsel has prayed for dismissal of the present petition as it is prima facie evident that the petitioner has misused the concession of bail which was granted to her in the other cases pending against her.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. The petitioner has been in custody for less than 01 year after having been arrested on 22.09.2023. On her arrest, recovery of 270 grams of heroin was effected after due compliance of all the mandatory provisions of the NDPS Act. The trial has been proceeding at a considerably good pace as 01 prosecution witness already stands examined by the learned Trial Court after the charges were framed. It is



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also a matter of record that the petitioner is involved in the following

FIRs:-

- (i). FIR No.241 dated 27.12.2018 under Section 21 of the NDPS Act registered at Police Station Guruharsahai.
- (ii). FIR No.168 dated 02.09.2019 under Sections 452, 325, 379-B of the IPC registered at Police Station Guruharsahai.
- (iii). FIR No.04 dated 20.01.2020 under Sections 15, 21, 22 of the NDPS Act registered at Police Station Guruharsahai.
- (iv). FIR No.110 dated 17.06.2020 under Section 21 of the NDPS Act registered at Police Station Guruharsahai.
- (v). FIR No.18 dated 27.02.2021 under Section 21 of the NDPS Act registered at Police Station Guruharsahai.
- (vi). FIR No.93 dated 10.08.2021 under Sections 22, 29 of the NDPS Act registered at Police Station Kulgari.
- (vii). FIR No.263 dated 07.10.2022 under Sections 21, 29 of the NDPS Act registered at Police Station Guruharsahai.
- (viii). FIR No.216 dated 30.08.2022 under Sections 22, 29 of the NDPS Act registered at Police Station Guruharsahai.
- (ix). FIR No.120 dated 06.10.2022 under Section 21 of the NDPS Act registered at Police Station Lakho Ke Behram.

6. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve to be enlarged on bail keeping in view the recovery effected and her antecedents.

7. Accordingly, the instant petition is 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.

10.09.2024

Vinay

(MANJARI NEHRU KAUL)

JUDGE

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