

2024:PHHC:102467



212.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-34130-2024

Date of decision: 08.08.2024

Jarnail Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Ms. Manpreet Ghuman, Advocate, for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

GURBIR SINGH, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.38, dated 01.05.2024, registered under Section 21 of NDPS Act, 1985 at Police Station Ghagga, District Patiala.

2. The aforesaid FIR was registered against Mintu Singh, Lalli Singh sons of Fakiria Singh, Jarnail Kaur (present petitioner) wife of Fakiria Singh, Meenu Kaur wife of Mintu Singh. In connection with CASO operation, a police party was constituted and raided the house of said persons and on seeing the police party, they ran away. A huge quantity of contraband was recovered from the house of said persons.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There were 17 police

personnel present at the house of petitioner. The petitioner is about 48 years of age and her weight is about 83 kgs and in the presence of such number of policy personnel, it is not possible to run away. There is no evidence to establish that the alleged offence has been committed by the petitioner. Nothing is to be recovered from the petitioner. There is no other case registered against the petitioner. Even otherwise, she is ready to join investigation.

4. Pursuant to order dated 19.07.2024, learned State counsel has filed status report by way of affidavit dated 07.08.2024 of Daljit Singh Virk, PPS, Deputy Superintendent of Police, Sub-Division, Patran, District Patiala, on behalf of respondent-State, which is taken on record. She has opposed the anticipatory bail to the petitioner by contending that huge quantity has been recovered from the house where petitioner along with other co-accused are residing. She, while referring to paragraph No.4 of said reply, submits that from the verandah of house, one plastic envelope containing pink colour powder, 7 other plastic envelopes containing pink colour powder, 12 empty small packets and computerized scale were recovered. On checking through the narcotic drugs detection kit testing, the recovered pink colour powder was found to contain morphine, codeine, heroin and on weight of recovered material, it was found to be of 2.120 kgs.

5. I have heard learned counsel for the petitioner, learned State counsel and have gone through the paper book.

6. Considering the fact that huge quantity of contraband has been recovered from the house where petitioner is residing along with other co-accused who are still at large, custodial interrogation of the petitioner is necessary. The recovery was effected from the house. The escape from the house on seeing police party is always possible, since escape route are only known to the inhabitants of the house. So, no case for grant of anticipatory bail to the petitioner is made out. Present petition is dismissed accordingly.

(GURBIR SINGH)
JUDGE

August 08, 2024
sanjeev

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