

CRM-M-36227-2024 (O & M)

2024:PHHC:110945



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(215-a)

CRM-M-36227-2024 (O & M)
Date of decision: 28.08.2024

Parminder Kaur @ Veenu
..... Petitioner(s)

V/s

State of Punjab ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. K.S. Dadwal, Advocate,
for the petitioner.

Mr. Prabhdeep Singh Dhaliwal, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this third petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for the grant of regular bail to the petitioner in case bearing FIR No.184 dated 20.09.2022 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 NDPS Act added later on) registered at Police Station Mahilpur, District Hoshiarpur.

2. The brief facts of the case are that while the police party was on patrolling duty, a Chevrolet car bearing No.CH-01-AY-0023 was seen coming and was signalled to stop. The car driver tried to turn the car back but was apprehended. He disclosed his name as Bikram Singh @ Rami son of Late Kishan Singh. The person sitting on the adjoining seat disclosed his name as Sandeep Kumar son of Rajinder Kumar. The ladies sitting on the



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rear seat of the car disclosed their names as Ravinder Kaur wife of Bikram Singh, Parminder Kaur @ Renu @ Veenu (petitioner) wife of Balwinder Pal and Maninder Kaur wife of Sandeep Kumar. 255 grams of heroin was recovered from the dash-board of the car.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There were violations of the mandatory provisions of the Act regarding search and seizure such as Sections 42 and 50. The recovery was from the dash-board of the car and it would be a matter of Trial as to whether the petitioner was in conscious possession of the same. As she was in custody since 20.09.2022 but only 02 out of the 10 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, she was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that five accused were arrested while travelling in the car in question. All the accused were closely related to each other. Ravinder Kaur/non-petitioner was the wife of Bikram Singh @ Rami who is the brother of petitioner- Parminder Kaur @ Renu @ Veenu and Maninder Kaur. All the accused were serial offenders with multiple cases registered against them. The petitioner herself was a convict in one case arising out of FIR No. 98 dated 14.07.2017 under Section 21 of the NDPS Act, Police Station Bhogpur, District Jalandhar and an under-trial in a case arising out of FIR No.182 dated 17.09.2022 under Section 21 of the NDPS Act, Police Station Mahilpur. As the petitioner was a habitual offender, the satisfaction as



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envisaged under Section 37 of the NDPS Act that she had not committed any offence and was not likely to commit one in future could not be recorded and therefore, she was not entitled to the concession of bail. He, however, concedes that the petitioner was in custody since 20.09.2022 and only 02 out of the 10 prosecution witnesses had been examined so far.

5. I have heard the learned counsel for the parties.
6. In the instant case, the petitioner was found travelling in a vehicle with her close relatives. The recovery of 255 grams of heroin came to be effected from the vehicle which is a commercial quantity. The co-accused of the petitioner are habitual offenders with multiple cases under the NDPS Act registered against them. The petitioner herself is an under-trial in one case and a convict in one case. Therefore, the antecedents of the petitioner do not entitle her to the concession of bail in view of the bar contained under Section 37 of the Act as a satisfaction that she has not committed an offence and is not likely to commit one in future cannot be recorded. Further, the instant petition is third one preferred by the petitioner without any change in circumstances whatsoever.
7. In view of the above, I find no merit in the present petition and the same stands dismissed.

August 28, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No