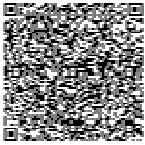


2024:PHHC:136460



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

270

CRM-M-39118-2024 (O&M)
Date of decision: 18.10.2024

Radhika Rani ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

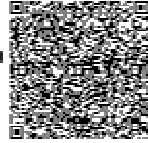
Present:- Mr. Saurav Dogra, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in FIR No. 72 dated 05.07.2022, registered under Sections 22, 27 and 29 of the NDPS Act, 1985 at Police Station Sector Kiratpur Sahib, District Rupnagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 05.07.2022, the petitioner along with co-accused Abhishek Kalotra was apprehended by a police party when they were coming in a car bearing registration number UP-16W-6006 and recovery of 1200 tablets of Lomotil was effected from the dashboard of the said car. The petitioner and co-accused were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. The petitioner had moved an application

2024:PHHC:136460



before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 06.02.2023.

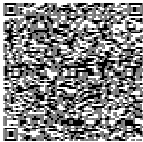
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. A false recovery was planted upon the petitioner. The petitioner is in judicial custody since 05.07.2022. The trial is likely to take a long time. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State, which is available on record. It is submitted therein and learned State counsel has argued that the petitioner was apprehended by the police on 05.07.2022 along with co-accused Abhishek Kalotra, who is in fact her son, and recovery of 1200 tablets of Lomotil was effected from them. It is further submitted that since the quantity of the recovery contraband falls under the commercial quantity, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. The claim of the petitioner regarding her false implication is baseless. Trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, she may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party along with co-accused Abhishek Kalotra, who is her son, on 05.07.2022 and recovery of 1200 tablets of Lomotil was effected from them, which falls under the commercial quantity. Hence, the rigors of Section 37 of

2024:PHHC:136460



the NDPS Act would certainly be attracted in this case. There is nothing on record to suggest that there would be any undue delay in conclusion of trial as only 02 witnesses remained to be examined out of total 15 prosecution witnesses as on 21.09.2024. The apprehension raised by learned State counsel that the petitioner, if extended bail, may abscond or indulge in similar offences cannot be stated to be unfounded. Keeping in view the discussion as made above, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

18.10.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No