

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43947-2023

Date of decision: 15.02.2024

Binder Kaur @ Binder Rani

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

Manjari Nehru Kaul, J. (oral)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.273 dated 29.09.2020, under Sections 22 and 29 of the NDPS Act and Section 207 of the Motor Vehicles Act, 1988, registered at Police Station, Bhawanigarh, District Sangrur.

2. Learned counsel for the petitioner *inter alia* contends that the false implication of the petitioner in the case at hand is evident from the fact that though as per prosecution, he was nominated as accused on the basis of the disclosure statement allegedly suffered by main accused Gobind Singh, from whom, recovery of 6100 tablets of Alprazolam and 9300 tablets of Taramadol was effected, however, in the challan, no such disclosure statement stood annexed. Learned counsel has further submitted that after

the petitioner was arrested on 29.07.2021, till date, only 02 prosecution

witnesses, out of 12 cited, had been examined and hence, the petitioner deserves to be extended the concession of bail, as she could not be made to languish in custody on account of the non appearance of the prosecution witnesses. It has also been brought to the notice of this Court that co-accused Gobind Sing, from whom the alleged recovery was effected, has been extended the concession of bail by this Court vide order dated 23.08.2022.

3. Per contra, learned State counsel, while opposing the prayer and submissions made by the counsel opposite, has submitted that no doubt, the petitioner was not apprehended at the spot along with co-accused Gobind Singh, from whom the alleged recovery was effected, however, the petitioner came to be nominated in a disclosure statement allegedly suffered by the said Gobind Singh, who categorically stated that the contraband, which had been recovered from him, was to be supplied to the petitioner. It has been submitted that the involvement of the petitioner in the sale and purchase of narcotics is apparent from her involvement in as many as 05 other cases under the NDPS Act. It has also been submitted that the petitioner is involved in a case under the Indian Penal Code also. Learned State counsel has further submitted that the petitioner cannot derive benefit on account of co-accused Gobind Singh having been extended the concession of bail as said Gobind Singh was not involved in any other criminal case.

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

5. Prima facie, the petitioner does come across as habitual offender. The recovery allegedly effected from the petitioner is huge and

enumerated hereinabove, the petitioner does not deserve to be extended the concession of bail.

6. Dismissed. However, since the petitioner has been in custody since 29.07.2021, a prayer has been made by the learned counsel that the trial Court be directed to expedite the trial and conclude it expeditiously. The trial Court, in the circumstances, shall make earnest efforts to expedite and conclude the trial preferably within the next four months. 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.

(MANJARI NEHRU KAUL)
JUDGE

15.02.2024
Ajay Prasher

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