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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45553-2024

Date of Decision:- 26.11.2024

SHINDER KAUR

....Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Shivender, Advocate for
Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner has filed petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No. 14 dated 19.01.2023 under Sections 21 and 22 of NDPS Act (Section 29 of NDPS Act added later-on) registered at Police Station Dharamkot, District Moga.
2. As per facts of the case, SI Balwinder Singh and the police party on 19.01.2023 had gone for routine patrolling duty and when they reached at the boundary of cremation ground Noorpur Hakima one young man tried to turn back by throwing heavy plastic bag on the ground. Said person was apprehended on the basis of suspicion who disclosed his name as Sonu Singh and in the said plastic bag, tablets were visible and some of the tablets were scattered. Efforts were made to join independent witness but nobody was

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ready to join. Search was conducted as per Rules. From the said polythene bag, 200 loose intoxicant orange colour tablets and one small plastic bag containing 20 grams heroin were recovered which were taken into police possession. During the course of investigation, present petitioner Shinder Kaur was named in the disclosure statement that the said contraband was supplied by her.

3. Learned counsel for petitioner argued that no recovery was effected from the petitioner. She was named in the disclosure statement of main accused Sonu. She may be given another opportunity to join investigation.

4. On the other hand, bail application is opposed by learned counsel representing State. As per the status report, present petitioner is nominated for the offence under Section 29 of NDPS Act. As per the FSL report (Annexure R-1), bag contains heroin diacetyimorphine salt and in the second parcel 170 tablets of alprazolam salt each weight 216 mg/tablet and 30 tablets containing Etizolam salt. Present petitioner is involved in three other FIRs under NDPS Act. It is further clarified that petitioner has not joined the investigation. Therefore, she is not entitled to be released on anticipatory bail.

5. I have considered the arguments and have gone through the record. Present petitioner is nominated by Sonu while recording his disclosure statement. Specific role is attributed to the petitioner. Considering the nature of offence, her arrest was stayed with the direction to join investigation but she failed to join investigation. In light of this, I do not

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find it appropriate to grant concession of anticipatory bail to the petitioner and the same is accordingly declined.

6. Pending application (s) if any also stands disposed of.

(AMARJOT BHATTI)
JUDGE

26.11.2024
snd

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