



CRM-M-49890-2024

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

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CRM-M-49890-2024

Date of Decision : October 15, 2024

MANJIT KAUR

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. A.S. Barnala, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.315 dated 27.06.2024, under Section(s) 22/29 of the N.D.P.S. Act, 1985, registered at P.S. City Barnala, District Barnala.

2. Succinctly stated, 700 intoxicant tablets of "Bawa" colour, which were subsequently found to be "Alprazolam", were recovered from the possession of accused Vakil Singh, Gurpiar Singh, Manish Kumar and Rohit Kumar. During interrogation, these accused disclosed that they had purchased the recovered intoxicant tablets from Jaspal Singh @ Jambo, Jiwan Bisnot @ Nepali, Vivek Kumar, Manpreet Kaur @ Jeeti @ Manjit Kaur (petitioner), Lachmi Kaur and Rani Kaur. Accordingly, these persons, including the petitioner, were nominated as accused in the present case, vide Rapat No.26 dated 29.06.2024.

3. The learned counsel for the petitioner submits that the petitioner

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has no concern whatsoever with the contraband recovered from the possession of her co-accused. Moreover, the allegedly recovered contraband falls within “non commercial quantity”. The name of the petitioner surfaced for the first time ever only in the disclosure statement(s) suffered by her co-accused during the course of investigation. He contests the evidentiary vigor of the said disclosure statement(s), on the ground that, the same was suffered by her co-accused while being in police custody.

4. It would be apt to record here that, in paragraph 11 of the instant petition, which is accompanied by petitioner’s affidavit, it has been disclosed that the petitioner is involved in two more FIRs, i.e. (i) FIR No.309 dated 09.07.2022, under Section 22 of the N.D.P.S. Act; and (ii) FIR No.194 dated 07.05.2023, under Sections 22, 29 of the N.D.P.S. Act; both registered at P.S. City Barnala, District Barnala. However, the learned State counsel disputes the disclosure (supra) and submits that, apart from the above two FIRs, the petitioner is involved in two more FIRs of similar nature, details whereof are:- (i) FIR No.284 dated 12.09.2017, under Sections 21, 22/61/85 of the N.D.P.S. Act; and (ii) FIR No.249 dated 28.06.2019, under Section 22/61/85 of the N.D.P.S. Act; both registered at P.S. City Barnala, District Barnala.

5. The petitioner, instead of mending his conduct after getting the concession of bail/interim bail in the FIRs (supra), again indulged in trade of narcotics, which resulted in his becoming nominated as an accused in the present FIR.

6. Although the petitioner has been nominated as an accused on the basis of disclosure statement(s) and the recovered contraband undisputedly falls in the category of “non commercial quantity”, however, taking into account: (i) the hereinabove extracted criminal antecedents of the petitioner,

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which impel this Court to draw an inference that the petitioner is a habitual offender, who indulges in trade of narcotics time and again; (ii) the concealment made by the petitioner regarding her involvement in similar offence(s); and (iii) the settled position of law that liberal approach in the matters related to the Narcotic Drugs and Psychotropic Substances is uncalled for; therefore, this Court refrains from granting her the asked for relief. Insofar as evidentiary worth of the disclosure statement of petitioner's co-accused is concerned, the same can only be considered and ascertained at the appropriate stage of trial.

7. Therefore, this Court does not deem it a fit case to grant the extraordinary relief of anticipatory bail to the petitioner. To reach at this conclusion, this Court also garners strength from the judgment rendered by the Hon'ble Supreme Court, in case titled as "*The State of Haryana Versus Samarth Kumar*", 2022 (3) RCR (Criminal) 991. Consequently, the asked for relief of anticipatory bail is declined to the petitioner and the petition is accordingly **dismissed**.

8. However, anything observed hereinabove shall neither be construed to have any bearing on the outcome of the trial, nor the trial Court concerned shall be influenced by any of the observations recorded herein.

October 15, 2024
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No