

**CRM-M-56808-2024**

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**(212) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-56808-2024
Date of Decision: 20.11.2024****SARBO****... Petitioner****Versus****STATE OF PUNJAB****...Respondent****CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present: Mr. G.S. Ghuman, Advocate
for the petitioner.****Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.************JASJIT SINGH BEDI, J.**

The prayer in this 7th petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.409 dated 25.08.2023 registered under Section 22 of NDPS Act, 1985 and (Section 29 of NDPS Act added later on) at Police Station City Barnala District Barnala, Punjab.

2. The brief facts of the case are that Sarbo (petitioner) came to be apprehended with 600 loose intoxicant tablets. She disclosed that she had purchased the said contraband from Harpreet Singh @ Peeta.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There was a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version was inherently unbelievable. As the petitioner was in custody since 25.08.2023 but only 01 out of the 10 prosecution witnesses had been examined so far, the

CRM-M-56808-2024

::2::

Trial of the present case was not likely to be concluded anytime soon and therefore, she was entitled to the concession of bail.

5. On the other hand, the learned State counsel contends that the petitioner was a habitual offender. She was an accused in 05 other cases arising out of FIR No.79 dated 08.07.2022 U/s 21, 29 NDPS Act, P.S. Sadar Barnala, FIR No.447/2022 dated 09.10.2022, U/s 22 NDPS Act, P.S. City Barnala, FIR No.438/2023 dated 13.09.2023 U/s 22, 29 NDPS Act, P.S. City Barnala, FIR No.237/2022, U/s 22, 61, 85 NDPS Act, P.S. City Barnala and FIR No.230/2019 dated 21.06.2019, U/s 22, 25, 29 NDPS Act, P.S. Barnala. The instant petition was the 7th bail application of the petitioner, the last one having been withdrawn as recently as on 19.07.2024. Therefore, keeping in view the antecedents of the petitioner, she was not entitled to the concession of bail, moreso in view of the bar contained in Section 37 of the NDPS Act.

6. I have heard the learned counsel for the parties.

7. This is the 7^h bail application on behalf of the petitioner. The details of her earlier bail applications are as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-53521-2023	Dismissed as withdrawn on 20.11.2023
2.	CRM-M-1379-2024	Dismissed as withdrawn on 18.01.2024
3.	CRM-M-12265-2024	Dismissed as withdrawn on 14.03.2024
4.	CRM-M-16711-2024	Dismissed as withdrawn on 10.04.2024
5.	CRM-M-22652-2024	Dismissed as withdrawn on 07.05.2024
6.	CRM-M-33243-2024	Dismissed as withdrawn on 19.07.2024

8. The details of FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
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CRM-M-56808-2024

::3::

1.	FIR No.79 dated 08.07.2022	U/s 21, 29 NDPS Act	P.S. Sadar Barnala
2.	FIR No.447/2022 dated 09.10.2022	U/s 22 NDPS Act	P.S. City Barnala
3.	FIR No.438/2023 dated 13.09.2023	U/s 22, 29 NDPS Act	P.S. City Barnala
4.	FIR No.237/2022	U/s 22, 61, 85 NDPS Act	P.S. City Barnala
5.	FIR No.230/2019 dated 21.06.2019,	U/s 22, 25, 29 NDPS Act	P.S. Barnala

9. Apparently, the petitioner is a serial offender with 05 other cases registered against her under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the 6th bail application of the petitioner came to be argued and withdrawn as recently as on 19.07.2024.

10. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender,

**CRM-M-56808-2024**

::4::

he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

11. Keeping in view the allegations levelled against the petitioner as well as her antecedents the satisfaction under Section 37 of the NDPS Act that she has not committed an offence and is not likely to commit one in the future cannot be recorded.

12. In view of the above discussion, I do not deem it appropriate to grant her the concession of bail and therefore, the present petition stands dismissed.

13. It may be pertinent to mention here that this practice of filing multiple regular bail petitions without any change in circumstances but often with the change of a counsel, must be curtailed and therefore, the petitioner is directed to deposit a sum of Rs.25,000/- as costs in the Punjab and Haryana High Court Employees Welfare Association, Account No. 37167209613 IFSC Code:-SBIN0050306 State Bank of India, High Court Branch, Chandigarh within a period of 20 days from the date of receipt of a copy of this order and compliance/non-compliance thereof shall be intimated by the Registry.

(JASJIT SINGH BEDI)
JUDGE

20.11.2024

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No