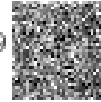


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2025.PHHC.028179



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8195-2025
DECIDED ON: 27.02.2025

PARMINDER KAUR ALIAS RANI ALIAS RANO
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Jasjit Singh Rattu, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked for the second time under Section 483 BNSS for grant of regular bail to the petitioner in FIR No. 57 dated 27.04. 2024 registered under section 21(c) NDPS Act, 1985 (Challan presented under section 21-(c), 25, 27A, 29 NDPS Act 1985) at Police station Division no. 1, District Jalandhar. (Annexure P-1).

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“SHO, Police Station Division No. 1 Jalandhar, Jai Hind Today I SI including SI Jaswinder Singh No. 2132, ASI Gurmel Singh No. 2411, ASI Amritpal Singh No. 456, ASI Balkar Mattu No. 2197, ASI Gori Shankar No. 1905, S/CT Nitin Tandon No. 1584, S/CT Surinderpal No. 2294, HC Amanjot Corps No. 999, CT Prince Thind No. 497 in

the government vehicle Scorpio No. PB65-BG-2591 whose driver is CT Jaswinder Singh No. 218 and in the government vehicle Bolero No. PB08-DS-4498 whose driver is CT Sukhjinder Singh No. 2367 for Naka Bandi Bhagat patrol alongwith laptop Preter Y-Point Singh Colony Bypass, is present and that the suspicious vehicle were being checked, when, an Innova vehicle number PB08-BS-2958 color white was seen coming from G.T road side. Which was driven by a Hindu youth, who was signaled to stop. Who tried to drive away from the spopt. On which the young man who was driving the vehicle was arrested with the help of fellow officers and asked for his name and address. He gave his name as Satnam Singh alias Babbi son of Gurdev Singh resident of village Thadia police station Sadar Banga district SBS Nagar. On which I SI informed Satnam Singh alias Babbi son of Gurdev Singh resident of Village Thadia Police Station Sadar Banga District SBS Nagar, while wearing uniform and served notice under Section 50 NDPS ACT that I am SI Sukhraj Singh CIA Staff Jalandhar. My name plate is affixed and I suspect there is some objectionable drug in your vehicle number PB08-BS-2958 color white. That is why you and your vehicle number PB08-BS-2958 Color Chitta Innova are to be searched. You have the legal right to have your vehicle number PB08-BS-2958 Color Chitta Innova searched by a Magistrate or a gazetted officer. Who said that I want to get my vehicle searched by a gazetted officer. On which SI Mr. Paramjit Singh PPS ACP/DETECTIVE Jalandhar at 6:05 PM his phone number No. 98140-86612 called upon from no. 98156-87644 and informed about the situation and requested to arrive at the earliest possible time. After 15 minutes, a government vehicle, Bolero No. PB65-BC-6450 with Gunman ASI Jagiri Red No. 932 whose driver ASI

Kulwinder Singh No. 971 came with his staff but Asked the name of the young man, nabbed by me, on which, he gave his name as Satnam Singh alias Babbi son of Gurdev Singh, a resident of village Thadia. Police Station Sadar Banga District SBS Nagar. On which Paramjit Singh PPS ACP/DETECTIVE Jalandhar served a notice under Section 50 NDPS ACT to Satnam Singh that he is Paramjit Singh PPS ACP/DETECTIVE posted at Jalandhar. He is wearing uniform and has name plate on. He suspect that your vehicle number PB08-BS-2958 color white Innova contains any objectionable drug and therefore your vehicle is to be searched. You have the legal right to have your vehicle searched by a Magistrate or any other gazetted officer. Who deposed fait in him and said that he can search him and his vehicle. On which, before searching the vehicle of Satnam Singh alias Babbi, an attempt was made to join a public witnesses in police party. But even after making all possible efforts, public witness could not be joined. On which I SI as instructed by Mr. Paramjit Singh PPS ACP/DETECTIVE Jalandhar, in the presence of Satnam Singh alias Babi, the said vehicle number PB08-BS-2958 color white Innova was searched, and a black bag was found on the seat next to the driver's seat of the vehicle, from which 08 (eight) packets of heroin were found. As many as 7 (seven) packets which are packed in cloth are lying inside a plastic envelope. There is a round stamp on the cloth impression BLUE SAPPHIRE-555, scissor cross. 2024 is written below the scissor cross and 444 is written on the cloth and a packet is packed in the cloth. Inside is a plastic envelope. A round seal is made on the cloth. SUPERSTAR 888 is written in the round seal. 21 Lakhs (One Lakh) Rupees (Total 4200 notes of Rs. 500/500) from a white waxed envelope and a note counting

machine golden in color were recovered. Electronic weighing of the suspected heroin packets showed 1/1 kg of each packet in a white wax envelope, totaling 8 (eight) kg. 08 (eight) packets of heroin were prepared in separate plastic containers and prepared 7 (seven) goods parcels containing heroin weighing 01/01 kg and affixed with a circular seal on the cloth. Stamp features BLUE SAPPHIRE-555, scissor cross. Marks A, B, C, D, E, F, G with 2024 written below the scissor cross and a cargo parcel of heroin weighing 01 kg with a circular stamp on the cloth. Superstar 888, inscribed in the seal, is marked H. By placing the estimated 21 lakh (one lakh) rupees in separate cloth bags, parcel was prepared. By putting the sealed bag in a separate cloth bag, the parcel was prepared. By putting the counting machine in a separate cloth bag, the parcel was prepared. Parcels are sealed by me SI with my seal bearing impression SS. Mr. Paramjit Singh PPS ACP/DETECTIVE Jalandhar sealed with his seal letter PS. Sample seal prepared separately. I SI handed over the seal after usage to SI Jaswinder Singh No. 2132. Mr. Paramjit Singh PPS ACP/DETECTIVE Jalandhar kept his seal with him. After opening the dashboard of Innova vehicle number PB08-BS-2958, color white, RC was recovered which was in name of Mangat Ram son of Pragash Ram resident of village Cheema Khurd post office Aparna district Jalandhar. On which prepared parcel of heroin weighing 1/1 kg total 8 kg (eight) grams of heroin marked A, B, C.D, E, F, G, H and prepared goods parcels Rs 21 lakh (one lakh), parcel containing note counting machine, parcel bag color black seal stamped SS/PS and Innova vehicle number RC along with PB08-BS-2958 color white Innova was taken into police custody as evidence and heroin, 21 lakh rupees, note counting machine, bag and Innova vehicle

number PB08-BS-2958 color white Innova was verified by Mr. Paramjit Singh PPS ACP/DETECTIVE Jalandhar. That Satnam Singh alias Babbi has committed the crime under section 21C-/61/85 NDPS Act by keeping 08 kg (eight) heroin in his possession. S/CT Surinderpal No. 2294 is being sent to the police station by hand to register a case by writing a ruqa.”

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely roped in the instant FIR only on the basis of second disclosure statement of main accused Satnam Singh from whom actual recovery of 8 Kgs of heroin has been effected and 40 Kgs from his son in law Hardeep Singh @ Deepa and daughter Aman Rosy. He further contends that there is no iota of evidence to connect the petitioner with the offence in question as no recovery has been effected from her .

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record. According to the custody certificate, challan stands presented on 23.10.2024 and charges stands framed on 9.12.2024.

He seeks dismissal of the instant petition on the ground that the offence is of serious nature as total 48 kg 500 grams of heroin alongwith one crore of drug money has been recovered from all the co-accused and the petitioner allegedly being buyer and part of the same group does not deserve any concession of bail. He further submits that the petitioner does not have a clean record as she is involved in other cases of similar nature.

4. Analysis

With deep concern, this court has time and again pointed out the clandestine smuggling of narcotic drugs and psychotropic substances in the State of Punjab which have led to drug addiction among sizeable section of the public, particularly adolescents and students and this menace has assumed serious and alarming proportion in the recent times. This rising concern of drug peddling needs an efficacious solution. To effectively address the drug menace caused by rapid drug smuggling, the concerned State Government should develop integrated policies that addresses the root cause of drug abuse, incorporating health, education and social welfare sectors. At this stage, it would be apposite to understand Article 47 of the Constitution of India which is read as under:-

*“47. Duty of the State to raise the level of nutrition and the standard of living and to improve public health-
The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health.”*

A glimpse at Article 47 of the Constitution of India(One of the Directive based on Socialistic Principles) makes it ample clear that it is the for the state to look into the improvement of public health and the prohibition of harmful substances.

Coming to the instant petition, taking into consideration the expanding network of drug peddlers and facts of the case wherein the total

quantity involved is 48 kgs and 500 grams of heroin and the petitioner being the alleged buyer of the contraband who has suffered only 9 months of incarceration does not deserve the concession of regular bail.

Moreover, while addressing the objectives of the NDPS Act, the Hon'ble Supreme Court in the case of *Durand Didier v Chief Secretary, Union Territory Of Goa (1990) 1 SCC 95* emphasized that the rampant issue of clandestine smuggling and illegal trafficking of drugs and substances has led to widespread drug addiction, particularly among adolescents and youth. This has had a harmful and devastating impact on society. With grave concern, it was noted that the organized activities of criminal groups and the illegal importation of narcotic drugs and psychotropic substances into the country have caused a significant increase in drug addiction, especially among young people and students, affecting both genders. The menace has grown to alarming proportions in recent years. Consequently, to effectively combat and eliminate this growing threat, which is causing severe and harmful effects on society as a whole, Parliament, in its wisdom, enacted the NDPS Act of 1985, introducing provisions that mandate minimum imprisonment and fines for such offences.

Further, an additional aspect that must be considered by this court is the frequent practice where individuals implicated under Section 29 of the NDPS Act assert that they were neither present at the scene nor had any contraband in their conscious possession. Taking advantage of this defence, many such accused persons are granted bail. However, this practice needs to be addressed, as individuals targeted under Section 29 are often the primary masterminds behind the drug trafficking networks, orchestrating operations from a distance while using others, typically those found in direct

possession of the drugs, as scapegoats. Consequently, the court is of the firm opinion that in such cases, these individuals should be held equally accountable and should not be afforded any leniency.

5. Relief

In the light of above stated facts and the law discussed along with the prevailing conditions, the court is of the considered view that the petitioner does not deserve the concession of the regular bail. Hence, the instant petition stands dismissed being devoid of merits.

However, it is made clear that the observations made herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

Ordered accordingly.

(SANDEEP MOUDGIL)
JUDGE

27.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No