

**CRM-M-12557-2024**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****215****CRM-M-12557-2024
Date of Decision: 03.04.2025****KIRANPREET KAUR @ JASHAN****... PETITIONER****VERSUS****STATE OF PUNJAB****... RESPONDENT****CORAM : HON'BLE MR. JUSTICE H.S.GREWAL****Present:-** Mr. Lovish Arora, Advocate for the petitioner.**H.S. Grewal, J.(Oral)**

1. This is second petition filed by the petitioner seeking regular bail under Section 439 of Cr.P.C in FIR No. 105 dated 14.05.2022 under Section 22 of NDPS Act,1985 registered at Police Station Dharamkot, District Moga.
2. As per the version of prosecution, on 14.05.2022, ASI Manjit Singh along with other police officials was present at Lohgarh Chowk where he received a secret information that Kiranpreet Kaur (present petitioner) was in habit of selling the intoxicant tablets and if raid is conducted, then she can be apprehended. Finding the said information being reliable, ruqa was sent for registration of the FIR. ASI Manjit Singh along with the police party raided at the spot but on seeing the police party, the petitioner tried to run away after throwing white polythene bag which was in her hand. From the white polythene bag total 300 intoxicating tablets Mark Etezolam were recovered.



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3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. The alleged contraband has not been recovered from the conscious possession off the petitioner. No such person to whom the petitioner was supplying the intoxicating tables has been found at the spot. Reliance has been placed on *Prabhakar Tewari Versus State of U.P and Another, Law Finder Doc Id # 1670858*, an authority of Hon'ble Supreme Court, *Shamshad alias Mam Pancher Versus State of Punjab, Law Finder Doc Id # 2668754* and *Amar Singh Versus State of Punjab*, authorities of this Court.

4. Notice of motion.

5. Mr. Eklavya Darshi, DAG, Punjab accepts notice on behalf of the respondent-State. He has filed the custody certificate of the petitioner, in Court today, which is taken on record. It is submitted that the petitioner is involved in three other cases under the NDPS Act. She is a habitual offender and does not deserve the concession of bail.

6. I have heard the learned counsel for the parties and perused the record.

7. Keeping in view the facts and circumstances of the case that recovery so effected comes under the commercial quantity; the petitioner is involved in three other cases and custodial interrogation of the petitioner is required, the petitioner is not entitled for anticipatory bail and the same is hereby dismissed. The law cited by the counsel for the petitioner is



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distinguished from the facts of the case as the recovery is stated to be 40.2 grams which falls under the ambit of commercial quantity.

8. However, the Trial Court is directed to decide the case expeditiously.

9. The present petition is dismissed.

03.04.2025
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(H.S.GREWAL)
JUDGE

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