

CRM-M-62015 of 2024 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

214

CRM-M-62015 of 2024
Date of Decision:14.01.2025

Rani

....Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Gurcharan Dass, Advocate,
for the petitioner.

Mr. H. S. Deol, Sr. DAG, Punjab

MANJARI NEHRU KAUL, J. (Oral)

1. The petitioner is seeking the concession of bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 in case FIR No.140 dated 21.10.2024, under Sections 21 and 29 (added later on) of the NDPS Act, registered at Police Station Rahon, District Shaheed Bhagat Singh Nagar.
2. Vide order dated 11.12.2024, a co-ordinate Bench of this Court, had passed the following order:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
<i>140</i>	<i>21.10.2024</i>	<i>Rahon, District Shaheed Bhagat Singh Nagar</i>	<i>21 of NDPS Act (Section 29 of NDPS Act added later on)</i>



CRM-M-62015 of 2024 2

Notice served upon the official respondent through State counsel.

List on 14.01.2025.

The concerned DySP to file/hand over their reply/ response/ instructions/Status report, positively before the next date, failing which this court might direct the officer superior to them to do so. The concerned DySP to also mention the name and weight of the drug. The reply/Response/Instructions/Status report shall also mention the following, under headings:

A. THE ROLE OF THE PETITIONER.

B. THE EVIDENCE AGAINST THE PETITIONER.

C. NEED FOR POLICE CUSTODY: In case of dismissal of this petition, would the police arrest the petitioner in this FIR?

Till the next date of hearing, there shall be stay of arrest of the petitioner.

3. On being put to notice, learned State counsel has filed a status report by way of an affidavit of the Deputy Superintendent of Police, Sub Division Nawanshahr, District SBS Nagar on behalf of the respondent-State, which is taken on record and a copy thereof has been supplied to learned counsel for the petitioner.

4. It has been contended by learned State counsel that although no secret information was received qua the involvement of the petitioner in the FIR in question, however the petitioner was arraigned as an accused in the present case on the basis of a disclosure statement suffered by co-accused Saudagar Singh qua whom a specific secret information had been received. It

**CRM-M-62015 of 2024 3**

has been submitted by the learned State counsel that during the interrogation of co-accused Saudagar Singh, it transpired that the petitioner was the supplier of the recovered contraband. It has also been submitted, on instructions, that it is a matter of record the petitioner has previous criminal antecedents; she is involved in four other criminal cases, all under the NDPS Act; while in one case under the NDPS Act the petitioner has indeed been acquitted however in another case, she stands convicted while two cases under the NDPS Act, are pending against her. Learned State counsel has further submitted that it is evident that even after the petitioner had been extended the concession of bail in the other pending cases against her under the NDPS Act, she had been indulging in drug trafficking and had thus misused the concession of bail granted to her. A prayer has therefore been made by the learned State counsel for dismissal of the instant petition as the custodial interrogation of the petitioner would be necessitated in view of her repeated involvement in cases under the NDPS Act, moreso when the mense of drug trafficking is trading like termites in the State of Punjab.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. A *prima facie*, the petitioner does indeed come across as a habitual offender as it is not the first time that she has been booked in a case under the NDPS Act and she has already been convicted in a case under the NDPS Act, while two cases are pending against her. In the facts and circumstances as enumerated hereinabove, no ground is made out to extend

CRM-M-62015 of 2024 4

the extraordinary concession of anticipatory bail to the petitioner, therefore, the instant petition is dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 14, 2025
dinesh

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