

**In the Court of Ms. Palwinder Jit Kaur, Judge, Special Court,
Hoshiarpur. (UID No.PB-0187)**

CNR No.PBHO01006418-2024

CIS No.BA/2109-2024

Date of institution: 24.07.2024

Date of decision: **30.07.2024.**

Paramjit Kaur @ Mato aged 44 years wife of Tilak Raj resident of village Denowal Khurd, PS Garhshankar, Distt. Hoshiarpur.

...Applicant-Accused

Vs.

State of Punjab.

....Respondent

FIR No. 102 of 19.06.2024.

Under Sections: 22-B,29,61,85 NDPS Act.

Police Station : Garhshankar.

Application Under Section 438 of Cr.P.C.

Present: Sh. RS Bhogal Advocate, for applicant-accused
Sh. Tejvir Singh Addl. Public Prosecutor for the State

ORDER

1. This order of mine shall dispose off bail application filed by applicant/accused under Section 438 Cr.P.C. for grant of anticipatory bail in above mentioned case. Notice of the bail has been given to the State. learned Addl. PP appeared on behalf of State and contested the bail application. Record has been produced and perused.

2. As per the prosecution version on 19.6.2024, SI Gurmit Ram alongwith other police officials was present at Banga Chowk Garhshankar in connection with patrolling where he received secret information that Kamaljit Kaur wife of Roshan Lal is indulging in the business of selling drugs and if raid be conducted at Nawan

Shahar canal bridge near Railway crossing Garhshankar, she can be apprehended alongwith narcotic substances. On believing the information to be trustworthy, SI Gurmit Ram alongwith other police officials reached at the disclosed place and saw that one lady having polythene envelope in her right hand was present, who on seeing the police party tried to slip away, but she was apprehended by SI Gurmit Ram with the help of L/HC Sunita. Her search was got conducted by SI Gurmit Ram through L/HC Sunita and from the polythene envelope carried by the accused, 195 loose intoxicant tablets. The parcel of the same was prepared and taken into police possession vide separate recovery memo. Accused Karamjit Kaur was arrested. During investigation, accused Kashmir Kaur a made disclosure statement that she has brought the above said intoxicant tablets from Paramjit Kaur.

3. I have heard the learned counsel for the appellant-accused, learned Addl. PP for the State and perused the record.

4. Learned counsel for the applicant/accused argued that applicant is innocent and has not committed any offence. She has been falsely implicated in this case. It has been further argued that the applicant-accused has been falsely implicated in this case at the instance of co-accused and the statement of co-accused is not admissible. The alleged recovery has already been effected from the co-accused. No useful purpose will be served to send the accused behind the bars. The applicant/accused undertakes to appear on each and every date of hearing and to abide by all the terms and conditions as imposed by this Court, if she is released on bail. So, prayer is made for grant of anticipatory bail to the accused/applicant.

5. On the other hand, learned Addl. Public Prosecutor for the State while controverting his contentions has vehemently argued that the narcotic substance was effected in this case, so the custodial interrogation of the applicant-accused is required in this case. The learned Addl. PP further argued that the applicant-accused is habitual offender as 15 other cases have been registered against her. Hence the accused does not deserve the leniency of the court as such prayer is made for dismissal of the bail application.

6. As per prosecution story, on 19.06.2024, co-accused Kashmir Kaur was apprehended by the police party headed by SI Gurmit Ram and during search of polythene envelope carried by the accused Kashmir Kaur, 195 loose intoxicant tablets were recovered. During investigation Kashmir Kaur made disclosure statement that she has brought the narcotic substance from the applicant-accused Paramjit Kaur. The name of bail applicant has been nominated by her co-accused Kashmir Kaur. The investigation is at initial stage. The custodial interrogation of the applicant-accused is very much required in this case. If such persons are granted anticipatory bail then police investigating agency is unable to collect proper evidence which is possible when the custodial interrogation is there. Such persons take such orders of anticipatory bail as weapon in their hands and scuttle the process of investigation. In considered view of this court, such persons like applicant-accused is not entitled for discretionary relief of anticipatory bail and the same is hereby declined. Accordingly, the bail application of the applicant-accused is dismissed. Police record be returned whereas bail application file be attached with the remand papers.

Pronounced in open Court:

Date of order: 30.07.2024

Anil Kumar, JW.

Direct dictation.

Palwinder Jit Kaur,
Judge, Special Court,
Hoshiarpur
UID NO. PB0187

CNR No.PBHO01006418-2024
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Paramjit Kaur Vs. State

Present: Sh. RS Bhogal Advocate, for applicant-accused
Sh. Tejvir Singh Addl. Public Prosecutor for the State

ASI Mahinder Pal appeared alongwith police record and suffered statement that this is the first anticipatory bail application filed by the applicant and no such bail application of the applicant has previously dismissed or pending in any court of competent jurisdiction. He further stated that correction has been made as inadvertently Section 21 (B)-61-85 was mentioned in the FIR and now correction has been made and Section 22 (B) -61-85 has been mentioned and DDR No.29 dated 20.6.2024 has been added to this effect.

In view of statement of ASI Mahinder Pal, Reader of this court is directed to make the necessary correction in the head note of bail application.

Arguments heard. Vide my separate detailed order of even date, the bail application is dismissed. Police record be returned. Bail application file is ordered to be tagged with the remand papers.

Pronounced in open Court:

Date of order: 30.07.2024

Anil Kumar, JW.

Direct dictation.

Palwinder Jit Kaur,
Judge, Special Court,
Hoshiarpur
UID NO. PB0187