

**IN THE COURT OF SHRI H.S. GREWAL,
SESSIONS JUDGE, MANSA
(UID NO.PB0081)**

Bail application No.601

Date of institution: 02.12.2024

CIS No.BA/1634/2024

CNR No.PBMN010045962024

Date of order: 11.12.2024

State

Versus

Soma Rani, aged about 48 years, wife of Kaka Singh, resident of Indra Basti, Sunam, District Sangrur, now confined at District Jail, Mansa.

--- Applicant-accused

Bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

FIR No.107 dated 03.06.2024

under Sections 304, 201, 511 of IPC and
Sections 27, 29, 61, 85 of NDPS Act, Police
Station, City Budhlada, District Mansa.

Present: Shri Varinder Kumar Singla, Advocate, counsel for the
applicant-accused.

Shri Harvinder Singh, Public Prosecutor for the State.

ORDER

This order of mine shall dispose of an application for regular
bail filed on behalf of applicant Som Rani in FIR No.107 dated

03.06.2024, under Sections 304, 201, 511 of IPC and Sections 27, 29, 61, 85 of NDPS Act, Police Station, City Budhlada, District Mansa.

2. In pursuance of notice of the application having been issued, the learned Public Prosecutor for the respondent-State has put in appearance. Record has been produced by ASI Jarnail Singh. Report of Ahlmad has been perused. As per report of Ahlmad, no application filed by the applicant is pending nor any application has been decided by the Hon'ble High Court. However, bail application of co-accused is pending before the Hon'ble High Court for 28.01.2015. Bail application of co-accused Jaskaran Singh was dismissed by this Court vide order dated 11.09.2024, whereas bail application of co-accused Jaspreet Singh was dismissed by the Court of learned Additional Sessions Judge, Mansa vide order dated 10.10.2024.

3. Learned counsel for applicant has vehemently argued that applicant has been falsely dragged in the criminal case on the basis of the disclosure made by co-accused Jaspreet Singh, as he had stated during the interrogation as to narcotic had been allegedly supplied by the applicant. He has urged that the FIR has been lodged by complainant Balvir Singh, father of deceased Jashanpreet Singh as to his son having gone on 27.05.2024 at about 1:30 P.M. after receiving a telephone call from his friend. But, thereafter he did not return. He has urged that as per prosecution version, Jashanpreet Singh had died due to over dose and it was thereafter that the FIR has been lodged. But, neither the applicant has got any concern with the alleged incident, nor there is any evidence as to

her having supplied the drugs to the other co-accused. The applicant is in custody since 29.09.2024. She is ready to abide by the directions, if any imposed. The application be allowed.

4. On the other hand, learned Public Prosecutor for State has hotly opposed the contentions and has argued that complainant Balvir Singh, father of deceased, has lodged the FIR elucidating therein that his son Jashanpreet Singh had gone on 27.05.2024 at about 1:30 P.M., as he had received a telephone call from his friend. But, thereafter he did not return. It was later on that they came to know that one dead body was found from bushes near the path abutting the drain in the area of Sunam. Proceedings were initially carried out under Section 174 Cr.P.C at Police Station, City Sunam. It was later on that the complainant came to know that his son Jashanpreet Singh was along with co-accused Jaspreet Singh and others and the deceased had been administered drugs, which resulted into his death. The co-accused Jaspreet Singh and others were tested positive at the time of their dope test, which further strengthens that they are own indulging in consuming drugs. He has urged that during interrogation of accused Jaspreet Singh, name of the applicant came to surface and it was she who had supplied the drugs which were being consumed by Jaspreet Singh and others including the deceased. Thus, in the light of seriousness and gravity of the offence under Section 304 of IPC coupled with the factum that co-accused Jaspreet Singh and others were tested positive and the offence under Section 27 of NDSP Act was also added, application be dismissed.

5. After giving my thoughtful consideration to the rival submissions and on careful perusal of the averments put in the application, perusal of record produced produced by ASI Jarnail Singh, coupled with the assistance rendered, it is apt to make mention that as per complainant Balvir Singh, who has lodged the FIR, his son Jashanpreet Singh had gone after saying as to his having received a phone call from his friend on 27.05.2024 at about 1:30 P.M., but, thereafter he did not return. As per the complainant, dead body was recovered of an unknown person from bushes on the Katcha path abutting the drain in the area of Sunam. On identification it was found to be that of Jashanpreet Singh, his son. As per contents of FIR, coupled with the record produced and co-accused Jaspreet Singh along with others were found present along with deceased. They, on conducting their dope test, tested positive, which further substantiates with regard to their having consumed drugs. During interrogation of co-accused Jaspreet Singh, name of the applicant Soma Rani came to surface that it was she who had allegedly supplied the drugs (Chitta). It was thereafter that DDR No.28 dated 06.06.2024 was recorded and the applicant was arrayed as an accused by invoking the provisions of Section 29 of NDPS Act. It is further apposite to make mention that the FIR has been lodged against the accused under Sections 304, 201, 511 of IPC and Sections 27 and 29 of NDPS Act. But, the allegations against the applicant Soma Rani are with regard to her name having come to surface during interrogation of accused Jaspreet Singh and DDR No.28 was entered, whereby she was arrayed an accused under Section 29 of NDPS

Act. It is all a matter of evidence with regard to alleged supplying of drugs by the applicant. The applicant, who is a woman, is in custody since 29.09.2024. The allegations with regard to offences under Sections 304, 201, 511 of IPC are against the co-accused. There is nothing on the file as to what was the quantity of the contraband which had been allegedly supplied by the applicant? As per assistance rendered, investigation has already been concluded and challan has been presented before the learned Illaqa Magistrate. Hence, taking into note the totality of the facts and further that the criminal liability, if any, against the applicant can be determined only after holding of regular trial. It shall serve no useful purpose to keep applicant behind the bars for an indefinite period. Hence, taking note of the totality of the facts and without expressing any word upon merits of case, the bail application is allowed. The applicant is hereby admitted to regular bail on her furnishing the bail bonds in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the learned Illaqa/Duty Magistrate, with the directions that applicant shall not tamper with the prosecution evidence, she shall not leave the country without prior permission of the Court and she shall appear in the court on each and every date hearing. Copy of order be sent to the Illaqa/Duty Magistrate for compliance. Record has been returned. Bail application file be consigned to the record room.

Announced:
11.12.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081)

CNR No.PBMN010045962024

BA/1634/2024

State Vs. Soma Rani

Present: Shri Varinder Kumar Singla, Advocate, counsel for the
applicant-accused.
Shri Harvinder Singh, Public Prosecutor for the State.

Record has been produced by ASI Jarnail Singh. Arguments
have been heard. Vide separate detailed order of even date the bail
application has been dismissed. Police record has been returned. Bail
application file be consigned to the record room.

Announced:
11.12.2024

(H.S. Grewal)
Sessions Judge, Mansa
(UID No.PB0081)

Sukhwinder Singh SG-II