

2025.PHHC.023051



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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-8783-2025
DECIDED ON: 17.02.2025**

GEETA DEVI

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Amit Choudhary, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.25, dated 18.01.2025, under Sections 20(B) of NDPS Act, 1985, registered at Police Station City Tohana, District Fatehabad. (Annexure P-1).

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

“To the Station House Officer, City Tohana, Jai Hind, Respected Sir, Today I Sl alongwith EHC Inderpal No. 10271FTB alongwith C.Ranbir No. 878, and C. Sonu No. 274 alongwith SPO Chamkaur Singh No. 204, SPO Sushila No. 05 alongwith personal laptop and printer on a government vehicle bearing registration No. HR-22-GV-1512 driven by HGH Gurjeet Singh No. 1978 were present on balyala Road Toahana for conducting the search NDPS Act and secret informer met at about 4.00 PM with me Sl and informed that

Ashok Singh @ Shoki son of Blabir Singh resident of Baba Buta Basti Tohana who used to sell intoxicating substance and presently he is present at his sister's house namely Geeta wife of Vijay Kumar Raj Nagar Tohana and who is having heavy quantity of intoxicating substance and kept the same at the house of his sister Geeta and Ashok @ Shoki from the same place is going to sell the intoxicating substance / Ganja, if immediate raid would be conducted then the above said Ashok @ Shoki could be apprehended on the spot alongwith the intoxicating substance/ganja. Finding information credible notice u/s 42 of NDPS Act was prepared and for providing information to the connected officials and for registering the same in the daily dairy report at about 4.20 PM, the information is being sent through SPO Chamkor Singh No. 204 and after finding information credible for conducting the search of the house of Geeta wife of Vijay Kumar resident of Baba Buta Basti Tohana one application for issuance of search warrant of the house of Geeta wife of Vijay Kumar resident of Baba Buta Basti Tohana is sent through constable Ranor No. 08 al about 430 PM in the court Trohana. As per duy roaster I SI at about 43 PM caled rom my mobie No. 81688-27628 on the mobile No. of gazetted official Sh. Vijay Babbar, Tehsidar Ratia on his mobile No. 70578-33944 which was found switched off. Thereafter I ASt at about 4.54 PM called on the mobile No. 99960-62283 of Sh. Gaurav Chahal DETC (X), Fatehabad and who informed that I am on medical leave thereafter, I SI at about 4.55 PM called on the mobile No. 99923-35588 of Sh. Somesh Vashisht NT Bhatu Kalan and who informed me on phone that due to some Govt. work he is going to Ratia from Fatehabad and after completing the work from Ratia will reach to you. On which I SI after reaching on the spot started waiting of SPO Chamkor Singh No. 204 who was sent to registered the notice u/s 42 of NDPS Act for registering the same in daily diary report and waiting for the permission to conduct the search of house of Constable Ranbir Singh No. 878 and waiting for the gazetted officials of Sh. Somesh Vasisht NT Bhat Kalan. At about 5.15 PM SPO Chamkaur Singh No. 204 met me after registering the same in daily dairy report of notice u/s Section 42 of NDPS Act and who gave me a report No. 29 dated 18.01.2025 to me and thereafter at about 5.30 PM constable Ranbir Singh No. 878/Fatehabad and returned back from Hon'ble Court Tohana on the spot and who gave me the permission granted by the Hon'ble Court to conduct the search of the house of Geeta wife of Vijay Kumar resident of Baba Buta Basti Tohana. Thereafter, waiting for some time at about some time gazetted officials 7 P M Sh. Somesh Vasish NT Batu Kalan reached on the spot and met me SI and alongwith him I SI alongwith fellow official on a government vehicle reached at the house of Geeta wife of Vijay

Kumar resident of Baba Buta Basti Tohana where the house of Geeta wife of Vijay Kumar, the house was Bolted (Kunda). The persons residing nearby were requested to join in the search proceedings but everybody has said that the house in which you are going to conduct search here quarrelsome persons are residing and no body want to mess with them and everybody has shown their inability and refuse to join the team and informed that before your arrival Ashok Singh @ Shoki @ Balbir resident of Baba Buta Basti Tohana ran away from the house of his sister Geeta and now the sister of Ashok @ Shoki is not present at home and who went somewhere after bolting his house. Thereafter, I SI alongwith fellow officials in the presence of the gazetted officials Sh. Somesh Vasisht Bhattu Kalan opened the house of Geeta wife of Vijay Kumar resident of Buta Bast and in compliance of section 105 of BNSS constable Sonu No. 274 was given my personal mobile and directed him to conduct videography. That during the search while entering in the room situated at left side one yellow colour plastic bag was found on the right side which was checked by Gazetted officials Sh. Somesh Vasisht NT Bhattu Kalan and in the plastic bag Ganja was recovered which was weighed from the Electronic Weighing Scale in the presence of Gazetted officials then the weight comes to 11 KG 360 grams. The recovered plastic bag of Ganja was converted into parcel and affixed my seal SK/03 on the plastic bag of Ganja. Sample seal was separately prepared. Seal after use was handed over to Constable Sonu No. 274. Gazetted official Sh. Somesh Vasisht NT Bhattu Kalan have also sealed the parcel of Ganja with his seal GD/01 and kept his seal with himself after use. The sealed plastic bag of ganja weighing 11 KG 360 grams sealed with SK/03 and GD/01 were taken into police custody by preparing seizure memo. On seizure memo constable Ranbir No. 878 and constable Sonu No. 274 have signed. That the parcel plastic bag of ganja, sample seal and seizure memo were attested by gazetted officer Sh. Somesh Vasisht NT Bhattu Kalan. That the accused Ashok @ Shoki above said have committed the offence u/s 20-8 of NDPS Act by keeping in their possession 11 KG 360 Gram of Ganja at the house of his sister.”

SUBMISSIONS

ON BEHALF OF THE PETITIONER:

3. It is contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case as the petitioner is

neither the owner nor the tenant of the premises from where the alleged recovery of 11 kg 360 gms of Ganja is recovered which is a non-commercial quantity. He further argues that there is no shadow of evidence to connect the petitioner with the alleged occurrence except the fact that she is the sister of co accused Ashok Kumar @ Shoki from whom the alleged contraband is recovered.

4. Notice of Motion

ON BEHALF OF RESPONDENT-STATE:

5. On the asking of the Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, who is present in Court, accepts notice on behalf of the State and submits that as per the ongoing investigation, the premises from where the alleged contraband stands recovered is on rent in the name of the petitioner and her family members are indulged in drug trafficking which stands proven from the fact that her mother is facing 6 cases in NDPS Act and her brother is involved in 4 cases of NDPS Act. Thus, on these grounds the bail application is liable to be dismissed.

6. Heard learned counsel for the parties at length.

ANALYSIS AND CONCLUSION

7. Be that as it may, after considering the submissions made herein above and on perusal of the assertions made in the petition as well, this court is of the firm view that custodial interrogation of the petitioner is required particularly in view of the fact that serious overt act has been attributed to the petitioner wherein she is living in the rented premises from where the alleged contraband is recovered added with the fact that she and her family members does not have clean antecedents wherein the petitioner is also found to have been involved in 2 other criminal cases therefore in light of that, the court by

no stretch of imagination can grant the relief of anticipatory bail to the petitioner.

Moreover, it is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. In State of **Andhra Pradesh vs. Vimal Krishna Kundu**, AIR 1997 SC 3589, Apex Court has held that in case of well orchestrated conspiracy, if the accused is equipped with anticipatory bail order before interrogated by police, would greatly harm the investigation and would impede the prospects of unearthing all the ramification involved in the conspiracy. Similarly, in **Ram Govind Upadhyay versus Sudarshan Singh**, (2002) 3 SCC 598, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

8. In view of the seriousness of the allegations, the custodial interrogation of the petitioner is certainly required to bring the true picture to

the ground regarding recovery of alleged contraband. Therefore, I find no merit in the petition and the same is hereby dismissed.

9. However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

17.02.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>