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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

(110)

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Date of Decision: October 19, 2020

Parmila

.. Petitioner

Versus

State of Haryana

.. Respondent

(Through video conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Abhimanyu Singh, Advocate,
for the petitioner.

Ms. Safia Gupta, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J.(ORAL)

Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.539 dated 22.12.2019 under Section 20 (b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Rewari City, District Rewari.

Learned counsel for the petitioner argues that the petitioner has been roped in the present case on the basis of the statement of the co-accused, from whom, the alleged recovery was done. Learned counsel for the petitioner submits that the petitioner has wrongly been roped in the present case as petitioner is innocent and no banned substance was ever sold by the petitioner to the co-accused, which was recovered from the said co-accused. The prayer of the petitioner is that she is being falsely implicated

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in the present case and therefore, she be granted the benefit of anticipatory bail.

Notice of motion.

Ms. Safia Gupta, learned Assistant Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned counsel for the respondent-State submits that recovery of 520 grams and 40 miligrams of the contraband was done from co-accused Rahul @ Lala. Rahul @ Lala has named the petitioner by stating that the said contraband was purchased by him from the petitioner and therefore, the custodial interrogation of the petitioner is necessary to unearth the truth from where, the petitioner was getting the contraband and who were the other recipients, to whom the petitioner was selling the same.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the allegations have been alleged against the petitioner with regard to selling of the banned substance, which was recovered from the co-accused, the police has to unearth the total facts as to how the petitioner got the said substance in her possession and further whether, there were other people as well to whom the petitioner was selling the same or not. For effective interrogation, especially for the violation of NDPS Act, custodial interrogation is necessary. The lives of the citizens are being destroyed due to the selling of these banned substance. There is an alarming spike in the number of people buying and selling these contraband in the country, which needs to be controlled in an effective manner so as to

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minimise the said offence, if not to eradicate. This country has one of the largest number of youths, a factor to power economic growth, but an overwhelming majority of addicts are amongst these youths, which has resulted in increase of crime and violence. The increasing number of drug addicts day by day has resulted into an upsetting situation. The role of operators, who are working from behind the scene, also needs to be brought out as they are the actual offenders and for that purpose custodial interrogation of the petitioner is must.

Keeping in view the above, no ground is made out to grant the petitioner the benefit of anticipatory bail.

Accordingly, the petition is dismissed.

October 19, 2020
harsha/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

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

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