

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : August 27, 2015

1. CRM-M No. 13332 of 2015 (O&M)

Suman Bala v. State of Punjab

2. CRM-M No. 16612 of 2015 (O&M)

Sohan Lal @ Kala and another vs State of Punjab

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Kushaldeep S Sandhu, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl. A.G Punjab

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CRM-M Nos.13332 and 16612 of 2015, as prayer in both the petitions is for grant of anticipatory bail in the same FIR.

The petitioners seek grant of anticipatory bail in case FIR No.140, dated 25.5.2014, registered under Section 22, 61, 85 of the NDPS Act, at Police Station Jodhewal, District Ludhiana.

On 27.4.2015, the following contentions were noticed and interim protection was granted to the petitioner in CRM-M No.13332 of

2015 :-

“ Learned counsel for the petitioner states that petitioner was not apprehended on the spot. The alleged contraband is shown to be 30 grams of smack and 60 grams intoxicant powder. Name of the petitioner appeared in the disclosure statement of Rajan and Love Parashar. One of the accused is Rajan who is stated to be husband of co-accused Meenakshi. Petitioner was involved in three other cases. She has been acquitted in two cases and the third case also involves small quantity. In order to ascertain further status of the petitioner viz.a.viz her past history, let notice of motion be issued for 09.07.2015.”

Thereafter, on 9.7.2015, the following order was passed :-

“ Learned counsel for the State to seek instructions on the latest status of investigation.
Adjourned to 27.08.2015.
Interim order to continue.”

Today, I put it to counsel for the respondent whether apart from the statements of the persons who were arrested from the spot, there is any other evidence against the petitioners as envisaged by the last order, she on instructions from ASI Naresh Kumar, has fairly accepted that the only evidence against the petitioners is the statement of the co-accused. She has further stated that the co-accused of the petitioners were also released on bail since the quantity recovered was non-commercial.

In the totality of the circumstances, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners. The petitioners are directed to appear before the Investigating Officer on 10.09.2015 or on any other day on which the Investigating Officer requires their presence, and in the event of their arrest, the petitioners shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2)

of the Cr.P.C.

The petitions stand disposed of.

August 27, 2015
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(AJAY TEWARI)
JUDGE