

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

CRM-M -13635 of 2016 (O&M)
Date of decision: 08.08.2016

Kamaljit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. JBS Gill, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.
assisted by ASI Ravinder Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.141, dated 27.10.2012, registered under Section 61-A of Punjab Excise Act and Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station City Hoshiarpur, District Hoshiarpur.

On 29.04.2016, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in a case registered under Section 61-A of the Punjab Excise Act and Section 22 of N.D.P.S Act at Police Station, City Hoshiarpur, District Hoshiarpur vide F.I.R No.141 dated

27.10.2012.

Counsel would submit that as per prosecution version, an alleged recovery of 1500 capsules of Spasmo Proxyvon and 70 bottles of whisky was effected from a car bearing registration no. PB-07-Y-0119 and the occupants of the car namely Kundan Singh and Sukhwinder Singh were stated to have run away. Investigation in the case having been completed the afore noticed two persons were nominated as accused.

However, vide order dated 21.3.2016, passed by the learned Additional Sessions Judge, Hoshiarpur an application moved by the prosecution under Section 319 Cr.P.C has been allowed and the present petitioner has been summoned to face trial as an additional accused.

Counsel would argue that the basis of passing of summoning order is that the present petitioner was the original owner of the vehicle in question and as such, the court has taken a view that there exists prima facie involvement of even the present petitioner along with co-accused Kundan Singh and Sukhwinder Singh.

It is contended that it is not even the case of the prosecution that the petitioner was an occupant of the car on the date of recovery i.e. 27.10.2012 or that she had attempted to escape from the spot. No recovery is stated to have been effected from the person of the petitioner. Further submitted that the petitioner is otherwise ready and willing to join the trial proceedings.

Notice of motion, returnable for 8.8.2016.

In the meanwhile, petitioner is directed to appear before the Trial Court on the date already fixed i.e. 5.5.2016. In the event of her doing so, she would be entitled to interim bail subject to satisfaction of the Trial Court.”

It is contended that in pursuance of the order dated 29.04.2016, the petitioner has appeared before the trial Court and has

furnished bail/surety bonds.

The learned State counsel does not dispute the above fact.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 29.04.2016, is made absolute.

The petition stands allowed.

08.08.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No