

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-39272 of 2015 (O&M)
Date of Decision: 02.02.2016

Gogi

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Avnika Gupta, Advocate for
Dr. Deipa Singh, Advocate for the petitioner.

Mr. Anmol Malik, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.259 dated 21.8.2015 under sections 21, 29 of N.D.P.S Act, registered at Police Station, Ambala City.

On 20.11.2015, while issuing notice of motion, the following order was passed by this Court:-

“Learned counsel for the petitioner has submitted that the petitioner is running a small scrap shop. Petitioner is not involved in any other case under the Narcotic Drugs and Psychotropic Substance Act, 1985.

Notice of motion for 02.02.2016.

In the meantime, in the event of arrest, petitioner be admitted to interim bail subject to the satisfaction of the Arresting Officer. Petitioner shall abide by the conditions envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned State counsel upon instructions from ASI Yogdhyan would apprise the Court that the petitioner has since joined investigation. It is also not disputed that the petitioner is not involved in any other case

under the N.D.P.S Act.

That apart, even as per prosecution version the petitioner was not apprehended on the spot and neither was any recovery effected from her. Co-accused Rekha and Ashwani were apprehended on the spot and an alleged recovery of 7 grams smack was effected from Ashwani. Subsequently during the course of investigation and upon a disclosure statement made by Rekha a recovery of 8 grams smack has also been effected.

The petitioner is sought to be implicated on the disclosure statement of both the co-accused.

In the considered view of this Court, custodial interrogation of the petitioner, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 20.11.2015, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.02.2016
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