

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

**Criminal Misc. No. M-18786 of 2017
Date of Decision:-04.10.2017**

Pammi @ Parmjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present:- Mr. Aditya Pal Singla, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

FATEH DEEP SINGH J.(Oral)

The allegations against the petitioner Pammi @ Paramjeet Kaur in this anticipatory bail application under Section 438 Cr.P.C. in FIR No.111 dated 29.4.2017, under Section 15/61/85 of NDPS Act, Police Station Sadar, Nakodar, Jalandhar Rural, are that on 29.4.2017 while the police party was holding a Naka, a motor-cycle being driven by a man was seen coming towards them and a lady was sitting as pillion rider, who kept a plastic bag in her hand on the seat and fled away which was found containing 4 kg poppy husk, who was subsequently identified the present petitioner on the basis of statement of the man, driving the said motor-cycle, namely Balli @ Deepa, leading to registration of the present case.

The contentions of learned counsel for the petitioner are that the petitioner was never identified nor anything was recovered from her. The alleged recovery of 4 kg poppy husk apparently appears to have been recovered.

The bail application has strongly been opposed by learned State counsel on the ground that custodial interrogation is required in the matter.

Keeping in view the factual scenario and the debatable issue arising out of the very question of identity, it has been admitted by learned State counsel that the petitioner has been identified by the co-accused and the recovery as alleged has already been effected. In view thereof and keeping in view the question of identity and that nothing is now to be recovered from the petitioner, the present petition stands allowed. In the event of arrest of the petitioner, she be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that she will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

October 04, 2017
Vijay Asija

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No