

**CRM-M-38088-2018 and
CRM-M-41975-2018**

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

Date of Decision: 13.11.2018

1. CRM-M-38088-2018 (O & M)

Daro

... Petitioner

Versus

State of Punjab

... Respondent

AND

2. CRM-M-41975-2018 (O & M)

Rekha Rani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Charanpreet Singh, Advocate,
for the petitioners.

Ms. Monika Jalota, DAG, Punjab.

INDERJIT SINGH, J. (Oral)

This order shall dispose of CRM-M-38088-2018, filed by petitioner-Daro and CRM-M-41975-2018, filed by petitioner-Rekha Rani, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.114 dated 25.07.2018, registered at Police Station Goraya Jalandhar, under

**CRM-M-38088-2018 and
CRM-M-41975-2018**

Notice of motion was issued in both these petitions. Learned State counsel put in appearance on behalf of the respondent-State and contested these petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and gone through the record.

As per the prosecution version, opium weighing 500 grams each was recovered from accused-Kulvir Singh and Honey. The allegation against the present petitioners is that both the co-accused had to sell the opium to them. There is no other allegation against the present petitioners except the disclosure statement of co-accused Kulvir Singh.

Learned counsel for the petitioners submitted that there is no admissible evidence of any type against the petitioners and the accused, who has nominated them, is not to appear as prosecution witness at the time of trial.

From the record, I find that the allegations against the present petitioners are under Section 29 of the NDPS Act, 1985, as stated by learned State counsel. The bar of Section 37 of the NDPS Act, 1985 will not apply in the present case qua petitioners.

In pursuance of the interim orders dated 17.09.2018 passed in CRM-M-38088-2018 and dated 21.09.2018 passed in CRM-M-41975-2018 by this Court, the petitioners have already joined the investigation. They are not required for custodial interrogation. In the present case, recovery has already been effected from the co-accused. Therefore, no useful purpose

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Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The orders dated 17.09.2018 passed in CRM-M-38088-2018 and dated 21.09.2018 passed in CRM-M-41975-2018, granting interim bail to the petitioners, are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

13.11.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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