

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15420-2019 (O&M)
Date of Decision:-22.7.2019

Balwinder Kaur @ Binder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Kumar Dhot, Advocate for the petitioner.

Ms. Amarjit Kaur Khurana, Sr. DAG, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.11 dated 19.3.2019 at Police Station Sandaur, District Sangrur under Section 15 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. The FIR was lodged on the basis of secret information to the effect that the petitioner Balwinder Kaur @ Binder indulges in sale of 'poppy husk' by bringing the same from outside. Pursuant to receipt of the said information barricading was held and the accused was seen coming while carrying a plastic bag on her head, but the said accused/petitioner, upon noticing the police party, threw the plastic bag and ran away from the spot through wheat fields. The plastic bag thrown by the petitioner was searched and was found to contain 15 Kgs. of '*poppy husk*'.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is not possible that despite having prior information and despite having held 'Nakabandi', the petitioner, who is a lady, managed to flee away from the spot. It has thus been submitted that since the petitioner was never arrested at the spot, she deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is involved in two other cases, she does not deserve the concession of anticipatory bail. It has, however, been informed that the petitioner has since joined investigation.
5. Bearing in mind the quantity of contraband allegedly recovered i.e. 15 Kgs. of 'poppy husk' and also that the petitioner, who is a lady, was never arrested at the spot and has joined investigation, in my opinion, no case warranting custodial interrogation is made out. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 4.4.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. The present petition stands accepted accordingly.

22.7.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No