

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

CRM-M-50005-2018 (O&M)
Date of Decision:-31.5.2019

Baljit Kaur @ Bunge @ Kulwinder Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Devender Singh Thakur, Advocate for
Mr. Rajesh K. Dadwal, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Subhash Chander.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against her vide FIR No.66 dated 20.4.2017 at Police Station Garhshankar, District Hoshiarpur under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985, wherein offence under Section 29 of NDPS Act has been added subsequently.

The FIR was lodged upon receipt of information to the effect that Satnam @ Babbi indulges in smuggling of drugs and that on the said day he was returning to Bus Stand, Choura.

Pursuant to receipt of said information, barricading was held at the approach road from Bus Stand, Choura, where Satnam @ Babbi, who was coming on activa scooter, was apprehended. His search yielded recovery of 250 grams of intoxicating found to be Diacetylmorphine (heroin).

It is further the case of prosecution that during the course of interrogation, the aforesaid Satnam @ Babbi disclosed that he procures the intoxicant from one Seema and Baljit Kaur @ Bunge @ Kulwinder Kaur.

The learned counsel for the petitioner has submitted that the petitioner was never arrested at the spot and that the only evidence against her is in the nature of disclosure statement of co-accused, which would not carry any evidentiary value.

Opposing the petition, the learned State counsel has submitted that since the co-accused has specifically named the petitioner, no case for grant of bail is made out. It has, however, been informed that the petitioner has since joined investigation.

Having considered rival submissions addressed before this Court and while bearing in mind that the petitioner is nominated on the basis of disclosure statement of co-accused, the admissibility and veracity of which is yet to be tested, and while also noticing that the petitioner has already joined investigation, in my opinion, it is a fit case for grant of bail to the petitioner. The petition, as such is accepted and the interim directions issued by this Court vide order dated 15.11.2018 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.

The present petition stands accepted accordingly.

31.5.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No