

CRM-M-13374-2020

Date of decision: 01.06.2020

Kansh Kaur

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Ms. Manpreet Ghuman, Advocate
for the petitioner.**FATEH DEEP SINGH, J.(ORAL)**

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

Mr. Dhruv Dayal, Senior DAG, Punjab puts in appearance on behalf of the State on his own.

Petitioner, Kansh Kaur, who is accused, has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.109 dated 04.03.2020 under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act registered at Police Station City Barnala, District Barnala.

It was on the basis of secret information, the ASI Jarnail Singh on 04.03.2020 registered an FIR that co-accused/non-applicant-Akashveer Singh @ Babal was carrying on actually selling drugs by bringing from outside the State and on the basis of which, the police laid a *nakka* and the co-accused-Akashveer Singh @

Babal was arrested. It was on the statement of the co-accused-Akashveer Singh @ Babal, name of the petitioner has cropped up in being instrumental for the supply of drugs.

Learned counsel for the petitioner has submitted that neither the petitioner was named in the FIR and that subsequently, belatedly, on the statement of co-accused, she is roped in and that nothing is to be recovered from her.

The learned State counsel though does not displace the fact but has opposed the grant of bail on the grounds that the petitioner had made extra-judicial confession of her involvement before an independent witness and, therefore, her custodial interrogation is very much essential.

Appreciating the submissions, the recovery has already been effected and a debatable issue arises over the very legality and validity of statement of co-accused against the petitioner, which can only be adjudicated at the time of trial. This Court is of the opinion that it would be a travesty of justice to send the petitioner in custody in the present case and her joining the investigation would suffice the purpose. Accordingly, the petitioner is directed to appear before the Investigating Officer within a period of 15 days from the date of receipt of certified copy of this order and on her doing so, she shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an

undertaking that she shall abide by the conditions specified under Section 438(2) Cr.P.C. Thereafter, she will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

01.06.2020
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No