

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

206

CRM-M-20091-2020

Decided on :28.09.2020

(1)

Malkiat Singh

... Petitioner

Versus

State of Haryana

... Respondent

and

(2)

CRM-M-22032-2020

Decided on :28.09.2020

Veerpal Kaur

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE G.S. SANDHAWALIA

Present : Mr. Anmol Rattan Singh, Sr. Advocate
with Mr. Deepak Kaushal, Advocate for the petitioner(s).

Mr. Anant Kataria, DAG, Haryana.

Mr. Paramjit Singh Jammu, Advocate
for the complainant.

(The proceedings are being conducted through
video conferencing as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present order shall dispose of two petitions filed under Section 438 Cr.P.C. for anticipatory bail in case FIR No.197 dated 29.05.2020 under Sections 188 of IPC, 1860 and Section 61 of Punjab Excise Act and Section 22(b) of NDPS Act, PS City Mandi Dabwali, Haryana.

On 23.07.2020, the following order was passed in CRM-M-20091 of 2020:

“Case has been taken up for hearing through video conferencing, due to pandemic Covid-19.

Through this petition under Section 438 Cr.P.C., prayer has been made for grant of anticipatory bail to the petitioner, in case FIR No. 0197 dated 29.05.2020 registered under Section 188 IPC, Section 61 of the Punjab Excise Act, 1914 and Section 22(b) of the NDPS Act at Police Station City, Mandi Dabwali. According to prosecution on 29.05.2020, a secret information was received by the police that one Surinder Singh resident of Shergarh, is indulged in selling of illicit liquor in his house. On 05.06.2020, after joining independent witness, namely; Janta Singh, police party raided his house. No one was found present in the house at that time. However, on search, 9 liters of illicit liquor and 95 strips (each strip containing 10 tablets) in total 950 tablets of 'Tramadol' were recovered. During investigation, involvement of petitioner came into light for keeping the said contraband in the house of Surinder Singh, in the statements of Jaswinder Singh and Labh Singh, who passed on secret information to the police about the aforesaid contraband lying in house of Surinder Singh, with whose wife, namely; Veerpal Kaur, petitioner had illicit relations. It also came to the light that the said illicit liquor and recovery contraband was planted by the petitioner in the house of Surender Singh, in order to falsely implicate him and maintain his illicit relations with Veerpal Kaur aforesaid.

Learned counsel inter alia contends that petitioner has falsely been implicated in the instant case. Illicit liquor and contraband was recovered from the house of Surinder Singh, to which the petitioner has no connection. He is ready to join the investigation.

Notice of motion for 28.09.2020.

In the meanwhile, the petitioner is directed to join investigation as and when called by the Investigating Officer. In the event of arrest, he shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. He shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Similarly on 07.08.2020 the following order was passed in CRM-M-22032-2020:

“Case has been taken up for hearing through video conferencing due to the outbreak of Pandemic COVID-19.

Mr. Paramjit Singh Jammu, Advocate has filed vakalatnama on behalf of complainant on his own. Same is taken on record. Be tagged at appropriate place.

Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case FIR No.0197 dated 29.05.2020, registered under Section 188 IPC, 61 of Punjab Excise Act and 22 (b) of Narcotic Drugs & Psychotropic Substances Act, at Police Station City Mandi Dabwali, District Sirsa.

Learned counsel inter alia contends that petitioner is living separately from her husband for the last 1½ years. She has also filed a petition under Section 12 of the Protection of Women from Domestic Violence Act against her husband. Thus, petitioner has no connection whatsoever with her husband from whose house alleged contraband was recovered. Co-accused of the petitioner namely Malkiat Singh has been granted interim bail by this Court vide order dated 23.07.2020 in CRM-M-20091-2020.

Contrary to it, learned counsel for complainant vehemently opposing the grant of anticipatory bail to petitioner, submitted that wife of co-accused gave information to the police about alleged contraband which recovered from the house of Surinder Singh. Petitioner has illicit relation with the secret informer. She with her paramour Malkeet Singh planted a false recovery upon her husband Surinder Singh.

Notice of motion for 28.09.2020.

Meanwhile, petitioner is directed to join investigation and would come present as and when called for and in the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

To be heard alongwith CRM-M-20091-2020.”

In pursuance of the said orders, the petitioner(s) are stated to

have joined the investigation.

As per the instructions received by Mr. Kataria from ASI, Suresh Kumar it is submitted that petitioners are not cooperating in the investigation and it is the case of the State that recovery which has been effected from the house of Surender Singh, has been planted at the instance of petitioner(s) in order to falsely frame Surender Singh so that they continue in their illicit relationship.

Mr. Jammu appearing on behalf of the complainant has opposed the confirmation of the interim orders.

Keeping in view the controversy and since recovery from the house of Surender Singh has been made out and petitioner Malkiat Singh is stated to be in relationship with the estranged wife and there is also litigation inter se husband and wife, this Court is of the opinion that the petitioners are entitled for the benefit of confirmation of the said orders.

Counsel for the petitioner(s) pointed out that neither of the petitioner(s) are involved in any other case under the NDPS Act.

Accordingly, the above said orders are confirmed and both the petitions stand disposed of.

28.09.2020
Parveen

(G.S. SANDHAWALIA)
JUDGE

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