

CRM-M-26903-2019 (O&M)

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

**CRM-M-26903-2019 (O&M).
Decided on: January 09, 2020.**

Seema

.. Petitioner

VERSUS

State of Punjab

.. Respondent

*** * ***

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

*** * ***

**PRESENT Mr.Suram Singh Rana, Advocate,
for the petitioner.**

Mr.M.S.Nagra, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (for short 'the Cr.P.C.') praying for grant of anticipatory bail in FIR No.0047 dated 24.5.2019, under Section 21, 25 and 31 of the Narcotics Drugs and Psychotropic Substances Act, registered at Police Station Sadar, Nawanshahr, District S.B.S. Nagar.

Learned counsel for the petitioner has, inter alia, contended that the husband of the petitioner was caught by the police and recovery of 275 gms. of Heroin was made and thereafter on the basis of

CRM-M-26903-2019 (O&M)

disclosure statement of the husband, petitioner has been nominated in the FIR. Learned counsel for the petitioner further states that the petitioner has been wrongly roped in the present case on the basis of the fact that she is wife of the person from whom the alleged recovery was made.

Per contra, learned State counsel, on instructions from ASI Heera Lal, stated that an affidavit has been filed in the present case by the Deputy Superintendent of Police, Nawanshahar, highlighting that there are 5 other cases against the petitioner out of which she has been convicted in 4 cases under the NDPS Act and one case under Sections 353, 186, 332, 225, 148 and 149 IPC, is still under investigation.

Learned State counsel submits that in view of above, the petitioner does not deserve the concession of anticipatory bail though she has joined the investigation and no further recovery is to be effected.

A perusal of the affidavit shows that conviction in above cases pertain to years 2008, 2009, 2010, and 2015. So far as the conviction of the petitioner in earlier cases is concerned, some are long time back. Apart from above, the petitioner in the present case has been nominated on the basis of disclosure statement made by her husband.

Vide order dated 4.7.2019, the arrest of the petitioner was stayed. She has admittedly joined the investigation and has cooperated in the investigation process.

Learned State counsel on instructions states that no recovery is to be effected from the petitioner.

Considering the totality of the circumstances, the present

CRM-M-26903-2019 (O&M)

petition is allowed. It is ordered that in the event of arrest, the petitioner shall be released on anticipatory bail subject to her furnishing personal bond/surety bond to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by all the conditions as provided under Section 438(2) Cr.P.C.

January 09, 2020.
raj arora

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No