

S.No.106

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

CRM-M-34187 of 2020 (O&M)

Date of Decision:28.10.2020

Seema Rani

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Digvijay Nagpal, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.210 dated 05.10.2020 registered under Sections 21, 61 and 85 of NDPS Act at Police Station Vairo Ke, District Fazilka, Punjab.

It is contended by learned counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner is not involved in any drug trade, as alleged against her. The name of the petitioner has been dragged in the matter only on account of the antecedents of the husband and father-in-law of the petitioner. Since there have been cases against them under the NDPS Act, therefore, the name of the petitioner has also been wrongly dragged in the matter. Otherwise also, the alleged recovery of 38 grams of heroin is found in the family house of the petitioner, therefore, there is nothing to even prima-facie suggest that it was the petitioner who was keeping the said heroin or selling the same further. It is also submitted that there is no other case against the petitioner. The petitioner shall join the investigation. Hence, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Randhir Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel has submitted that there was a specific secret information against the petitioner. Based upon that secret information, the Police had raided the beauty parlor of the petitioner and from there, 38 grams of heroin was recovered. However, the petitioner was successful in slipping away from the spot. Therefore, the petitioner does not deserve any protection against her arrest. However, it is not disputed that the alleged beauty parlor is situated in the family house of the petitioner where all the members are jointly residing. It is also not disputed that there is no other case against the petitioner.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

October 28, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No