

125

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

* * *

CRM-M-44270-2020

Date of Decision: 30.12.2020

Balwinder Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. R.P. Dhir, Advocate for the petitioner.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab.

* * *

Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 158, dated 19th December, 2020 under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Mehtiana, District Hoshiarpur.

As per the FIR, at the time of routine checking Sunny Kumar was arrested and 20 grams of intoxicant power was recovered from him. As per the case of the prosecution in his disclosure statement the name of the petitioner surfaced. It was stated that mother of petitioner used to give intoxicating powder for selling.

Mr. R.P. Dhir, learned counsel for the petitioner submits that quantity recovered from Sunny Kumar is non-commercial and the petitioner was only named in disclosure statement which has no evidentiary value.

Mr. Amit Mehta, Senior Deputy Advocate General, Punjab opposes the prayer and submits that custodial interrogation is required as the petitioner was named by her son in the disclosure statement.

Considering the facts that petitioner was not named in the FIR and

it is only in the disclosure statement that her named surfaced, petitioner is granted anticipatory bail subject to her joining investigation within a week. In the event of arrest, the petitioner shall be released on bail subject to her furnishing adequate bail bonds to the satisfaction of the Investigating/ Arresting Officer. She is directed to join the investigation as and when called. She shall abide by the conditions as envisaged under Section 438 (2) Cr. P.C.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

30th December, 2020
pankaj baweja

Whether speaking/reasoned	Yes
Whether reportable	Yes