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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44146-2019 (O&M)

Date of decision-24.02.2020

Parkash Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Amarinder Verma, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.64 dated 04.08.2019 under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Bhadaur, District Barnala. The petitioner apprehended her arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 17.10.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the alleged contraband was recovered from the co-accused,

namely, Rajan Singh and Vipin Garg and on the disclosure statement suffered by Rajan Singh, the petitioner was indicted on the ground that the said contraband was purchased from her. According to him, the said statement may not be admissible and in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 24.2.2020.

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

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to her, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Gurtej Singh does not dispute this fact that the petitioner has joined the investigation and she is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 17.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

24.02.2020

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No