

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

205

**CRM-M NO.48618 of 2019
Date of decision : 22.01.2020**

Salwinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.157 dated 12.09.2019 registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'the NDPS Act') at Police Station Adampur, District Jalandhar (Rural) to which Section 29 of the NDPS Act was added lateron.

As per the prosecution version, on 12.09.2019 police party headed by SI Baljinder Singh apprehended accused Amandeep Singh @ Bawa on suspicion and on search recovered 70 grams of heroine from hand bag hung on the handle of his motorcycle. During interrogation accused Amandeep Singh @ Baba made disclosure statement that he had purchased the narcotic substance from the present petitioner-Surinder Kaur @ Salwinder Kaur.

Vide order dated 16.11.2019 passed by this Court, the petitioner was granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner was not named in the FIR, no recovery was made from her possession and she has been falsely implicated on the basis of disclosure statement made by the co-accused Amandeep Singh @ Baba. Section 37(1)(b) of the NDPS Act is not applicable qua the petitioner. The petitioner has joined the investigation and her custodial interrogation is not required for effecting any further recovery.

Learned State Counsel has acknowledged that in compliance with order dated 16.11.2019 passed by this Court, the petitioner has joined investigation and submitted that her custodial interrogation is not required for effecting any further recovery.

In view of the facts and circumstances of the case, the nature of accusation and material against the petitioner, non-applicability of Section 37(1)(b) of the NDPS Act and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 16.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again as and when called upon to do so

and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

22.01.2020

Rajeev (rvs)

(ARUN KUMAR TYAGI)
JUDGE

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