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AT
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Sukhwinder Kaur @ Sukhi ... **Petitioner**
State of Punjab .. **Respondent**

Present : Mr. Kanwar Arun Singh, Advocate
for the petitioner.

Mr. Rajesh Bhardwaj, Sr. Deputy Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

On 20.11.2019, the following order was passed:-

“The petitioner is seeking anticipatory bail in FIR No. 223 dated 01.10.2019, under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 ('NDPS Act' - for short), registered at Police Station Focal Point, District Ludhiana.

Learned counsel for the petitioner contends that the petitioner is not named in the FIR and has been arraigned as an accused on the statement of co-accused, namely, Manpreet Singh from whom recovery of 14 grams of heroin has been effected. He also contends that the petitioner is not involved in any other case under the NDPS Act and there is no prima facie evidence to connect the petitioner with the alleged commission of offence.

Issue notice to the respondent returnable on 12.12.2019.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of her arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

It has been stated by learned counsel for the petitioner that petitioner has joined the investigation pursuance to the interim directions issued by this Court on 20.11.2019 and nothing is to be recovered from her.

This factual position has not been disputed by learned State counsel. However, he has stated that the petitioner is also involved in other cases.

It has been conceded that in case bearing FIRs No. 233 of 2010 and 51 of 2013, the petitioner has been acquitted. In FIR No. 39 dated 09.03.2014, the petitioner was convicted and sentenced to undergo imprisonment for 25 days and fine of ₹8,000/-was also imposed upon her. In FIR No. 139 dated 10.04.2018 under Sections 21-61-85 of NDPS Act, registered at Police Station Shimlapuri, Ludhiana, the trial is pending against the petitioner. However, the fact remains that no recovery has been effected from the petitioner in the present case and she has been sought to be implicated on the basis of confessional statement of the co-accused.

In view of the above, the interim bail granted to the petitioner, vide order dated 20.11.2019, is made absolute.

Petition stands disposed of.

(VIVEK PURI)
JUDGE

17.01.2020
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No