

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

205

**CRM-M-49913-2019
Date of decision: 28.01.2020**

Manjeet Kaur @ Gurmit Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Neeru Thakur, Advocate for
Ms. Monisha Lamba, Advocate for the petitioner.

Mr. Arjun Singh Yadav, AAG, Haryana for the respondent.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.259 dated 28.09.2019 registered under Sections 27-A and 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, "the NDPS Act") at Police Station Ratia, District Fatehabad.

As per prosecution version, on 28.09.2019 the police party headed by ASI Parveen Kumar apprehended co-accused Mangal Singh @ Manga and on search conducted as per the prescribed procedure recovered 6 grams of heroin from his possession. In the course of investigation, said MangalSingh @ Manga made disclosure statement alleging that he had purchased the narcotic substance from the petitioner.

While issuing notice of motion on 25.11.2019, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application, however, no reply has been filed by the State.

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 falsely implicated in the present case on the basis of disclosure statement made by the co-accused and the petitioner was not apprehended from the spot and no recovery was made from her possession. She is not involved in any other case under the NDPS Act. Provisions of 37(1)(b) of the NDPS Act are not applicable qua the petitioner. In compliance with the order dated 25.11.2019, the petitioner has joined the investigation and her custodial interrogation is not required for effecting any recovery.

On the other hand, learned State counsel, on instructions from HC Amarjeet, Police Station Ratia, has acknowledged that in compliance with order dated 25.11.2019 passed by this Court, the petitioner has joined the investigation and submitted that custodial interrogation of the petitioner, who is not involved in any other case, is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and material against the petitioner, non-applicability of Section 37(1)(b) of the NDPS Act qua the petitioner 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 25.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and 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.

28.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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