

CRM-M No.16863 of 2021

Date of Decision : 10.09.2021

Rajni Bala alias Rajji

...Petitioner

Versus

State of Punjab

....Respondent

Coram : Hon'ble Mr. Justice B.S. WaliaPresent : Mr. Dinesh Mahajan, Advocate for the petitioner.
Mr. Balbir Singh Sewak, Addl. AG, Punjab.

B.S. Walia, J. (Oral)

1. Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.42 dated 23.03.2021 registered under Sections 21 of the NDPS Act, 1985 (Section 29 NDPS Act was enhanced vide DDR No.32 dated 26.03.2021) at Police Station Division No.2, Pathankot, District Pathankot.

2. On 22.04.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Learned counsel contends that the petitioner has been implicated in the instant case solely on the basis of disclosure statement made by co-accused Gopal and Anjali from whom 07 grams of heroin was recovered and who disclosed that they had purchased the same from the petitioner and one Mohan Lal, that apart from the disclosure statement there is no other material to connect the petitioner with the commission of the offence, moreover the petitioner is on family way, is not involved in any other case, besides, is ready and willing to join investigation and fully cooperate in the same.

Notice of motion.

Mr. Amit Mehta, learned Sr. DAG, Punjab, accepts notice and requests for time to obtain instructions and to file reply.

Adjourned to 24.05.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to her furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438 (2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated. ”

3. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *ASI Inderjeet Singh*, confirms that pursuant to the order of this Court dated 22.04.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that her custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 22.04.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

5. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

10.09.2021

'Rajneesh/Amit'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>