

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19740-2021 (O&M)
Date of Decision:-14.9.2021

Mamta Sandhu alias Mamta

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Palwinder Pal.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.85 dated 16.4.2021 at Police Station Gate Hakima, District Amritsar under Sections 21-B and 29 of Narcotic Drugs & Psychotropic Substances Act.
2. At the time of issuance of notice of motion on 18.5.2021, the following order was passed:

“Learned counsel for the petitioner contends that as per the case of prosecution, 2 men accompanied by 2 women were found standing in the street of Waryam Singh Colony and who upon noticing the police party tried to run away. It is further the case of prosecution

that while one person namely Mohit Kumar and a lady were apprehended at the spot, the other two managed to escape. It is further the case of prosecution that Mohit Kumar was found in possession of 48 grams of 'heroin' and an amount of Rs.2 lakh, while the lady, who disclosed her name as Prem Lata, was found in possession of an amount of Rs.5,000/-.

The learned counsel for the petitioner contends that the petitioner was never ever arrested at the spot or was, in fact, not even present at the spot and has been falsely nominated as an accused on the basis of a disclosure statement allegedly made by Mohit Kumar and Prem Lata.

Notice of motion for 14.09.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from Investigating Officer, has informed that pursuant to interim directions the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
4. In view of the aforesaid position, wherein the petitioner is stated to have joined investigation and is also stated to have a clean record and was never arrested at the spot, her custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 18.5.2021 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and

cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

14.9.2021

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No