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

CRM-M No.23090 of 2021

Date of Decision:04.08.2021

Ram Rati

.....**Petitioner**

Vs

State of Haryana

.....**Respondent**

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanchit Punia, Advocate
for the petitioner.

Mr. Zorawar Singh Chauhan, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.264 dated 21.05.2021 registered under Section 21(b) of NDPS Act, at Police Station Barwala, District Hisar.

On 15.06.2021, following order was passed by the Co-ordinate Bench:-

“Inter alia contends that son of the petitioner, who was/is a B.Com student was taken in custody allegedly for possessing 20 grams of heroin (non-commercial). On the basis of his custodial disclosure, which per se is not admissible as evidence, contends the learned counsel, the petitioner's mother has been implicated in the FIR. She is being attributed with the role of being a habitual drug peddler.

Learned counsel for the petitioner contends that petitioner has no criminal antecedent and, in fact, she has been

implicated by the Police officials when she refused to succumb to their illegal demand. He further contends that even otherwise, the prosecution version is highly unbelievable. A mature responsible son, who is 21 years of age, is unlikely to name his own mother, so as to have her arrested, that too when the quantity of contraband (20 gms of heroin), allegedly seized from him, is concededly non-commercial.

Notice of motion.

Learned State counsel, on advance service, joins proceedings and accepts notice on behalf of the respondent-State of Haryana and seeks time to get instructions.

Adjourned to 04.08.2021.

In the meanwhile, subject to petitioner's joining investigation within 15 days from today, no coercive steps qua her arrest shall be taken till the next date of hearing.

June 15,2021

vandana

**(ARUN MONGA)
JUDGE"**

Learned counsel for the petitioner submits that son of the petitioner was arrested and 20 grams of heroin was recovered from him. The recovery was non-commercial in nature. Petitioner was nominated in the disclosure statement of her son. The disclosure statement made by the son of the petitioner would remain debatable, as noticed in the order dated 15.06.2021.

Learned State counsel on instructions from SI Suresh Kumar submits that the petitioner has joined the investigation and petitioner is no more required for further investigation in the case. Petitioner was also involved in one more case in which she has already undergone the sentence. As of now, there is no other criminal antecedent of the petitioner.

In view of the statement made by learned State

counsel, the order dated 15.06.2021 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and she shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

04.08.2021

Amandeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No