

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

CRM-M-20052-2019 (O&M)
Date of Decision:-2.8.2021

Amritpal Kaur	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Baljeet Singh Kathuria, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Joginder 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.37 dated 12.4.2019 at Police Station Sadar Nawanshahr, District SBS Nagar under Sections 21/29 of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. The allegations, in nutshell, are to the effect that 305 grams of 'heroin' was recovered from co-accused Rishav Kharayal @ Rohin and Amit Kumar. It is further the case of prosecution that during the course of interrogation, Rishav Kharayal @ Rohin suffered statement to the effect that the recovered 'heroin' was given to him by a Negro in Delhi on the asking of the petitioner Amritpal Kaur. Rishav Kharayal @ Rohin further disclosed that he had earlier supplied 'heroin' weighing 250/300/500 grams to the petitioner and

the petitioner had paid an amount of ₹30,000, ₹25,000 and ₹40,000/- to Rishav Kharayal @ Rohin.

3. Learned counsel for the petitioner has submitted that the petitioner was never ever arrested at the spot and that he has been nominated as an accused on the basis of a disclosure statement made by co-accused, the veracity and admissibility of which would be debatable.
4. Opposing the petition, learned State counsel has submitted that since the petitioner has been specifically named by Rishav Kharayal @ Rohin from whom contraband was recovered and since the petitioner happens to be involved in three other cases, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated on the basis of disclosure statement, the admissibility and veracity of which would be debatable, custodial interrogation of the petitioner is not warranted especially since she has already joined investigation. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 3.5.2019 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.

2.8.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge