

210

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

**CRM-M-27456-2021
Date of decision-02.08.2021**

KULWINDER KAUR**...Petitioner**

Vs.

STATE OF PUNJAB**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Ramandeep Singh Sandhu, Sr. DAG, Punjab.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.60 dated 12.06.2021 under Sections 304 & 149 Indian Penal Code, 1860 & under Sections 21 & 29 NDPS Act, registered at Police Station Rangar Nangal, Police District Batala District Gurdaspur. The petitioner apprehended her arrest at the hands of Police, in the above FIR.

The FIR was registered on the statement of Balkar Singh and the allegations as noticed by the learned Additional Sessions Judge, Gurdaspur in the order dated 08.07.2021 are as under:

“In this case FIR has been registered against the applicant and non applicants on dated 12.06.2021 on the statement of Balkar Singh on the brief contents that he has one daughter which is already married and one son Sukhbir Singh aged about 19 years who was studying 9th class (since deceased). For the last

one year his son Sukhbir Singh was doing personal work with Kulwant Singh in their house in their village. After some time he came to know that Kulwant Singh and his family along-with his brother, sister-in-law (Bhabi) used to do the business of Heroin and they have indulged his son Sukhbir Singh in the said business of drug. They used to provide drug and also used to get supply the drug from him. On this, he along-with respectable persons of the village after talk visited the house of Kulwant Singh and requested the Kulwant Singh and his family members not to run the drug paddling and not to call his son in their house. But Kulwant Singh and his family members did not bother. They provided mobile phone to his son and calling him through the said phone. His son used to go in their house where they were providing drug to his son and when he used to consume the drug, thereafter, they got supply the drug from him. On 12.06.2021 his son left the house. Then on asking from his son he disclosed that he is going to the house of Kulwant Singh. At about 6.30 AM his son Sukhbir Singh returned to the house who was under the influence of drug and asked for water from his wife and laid down on the bed. On their asking his son told that when he went to the house of Kulwant Singh where his wife Kuljit Kaur, his son Baljit Singh, Kulwinder Kaur, Gurdev Singh were present. Baljit Singh by making solution of Heroin handed over one injection to Kulwant Singh and Kulwant Singh injected the injection to him and again in the same syringe one more injection was filled and some Heroin was given to him. They told that if again necessity arose then he should inject the injection and now he is under acute pain and save him. After some time from the mouth of his son froth came out and he expired. The cause of death of his son is giving of over doze of drug by Kulwant Singh and others. Accordingly, FIR has been registered. ”

On 16.07.2021 the following order was passed:-

“Learned counsel contends that victim Sukhbir Singh was a drug addict, who died of over dose of intoxication and the petitioner along with other relatives has been falsely implicated on the ground that they all are engaged in the business of drugs and played a role in turning the victim habitual to drugs. According to him, the main allegations are against co-accused Kulwant Singh and Gurdev Singh and the petitioner is sister-in-law of Kulwant Singh.

Notice of motion for 02.08.2021.”

Learned State counsel assisted by ASI Iqbal Singh has argued that the petitioner was also present when the alleged occurrence took place and the husband of the petitioner namely Gurdev Singh is involved in other cases as well. He on instructions, further submits that the alleged drug was injected by another co-accused Kulwant Singh, who is relative of the petitioner.

After hearing learned counsel and considering the above background, this Court is of the opinion that the custodial interrogation of the petitioner may not be necessary for the time being, therefore, without meaning any expression, on merits of the case, the petition is allowed and it is ordered that in the event of arrest of the petitioner by the Arresting Officer, she shall be released on bail subject to her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall join investigation as and when called for by the Investigating Officer and *would abide by the*

conditions enshrined under Section 438(2) Cr.P.C.

(MANOJ BAJAJ)
JUDGE

02.08.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No