

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-23824-2020

Date of Decision : 24.11.2021

Devinder Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Jangjit Singh Dahiya, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J. (Oral

Petitioner is seeking anticipatory bail in FIR No.157 dated 05.06.2020 registered under Sections 3(1), 3(3), 4, 23, 25 of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994; Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 120-B of the IPC at Police Station Patran, District Patiala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of the order passed by this Court on 03.09.2021. Order dated 03.09.2021 is as under:-

“CRM No.23351 of 2021

Application is allowed.

Annexures P-4 to P-7 are taken on record.

CRM No.23827 of 2020

This is an application for modification of order dated 21.08.2020.

Application is allowed.

The order dated 21.08.2020 is modified to the extent that no stricture were passed against the police officials, rather FIR was registered against them.

CRM No.M-23824 of 2020

Present Petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.157 dated 05.06.2020 under Sections 3(1),3(3),4,23,25 of the Pre-Natal Daignostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Section 22 of NDPS Act, 1985 and Section 120-B of IPC registered at Police Station Patran, District Patiala.

Learned Senior counsel appearing on behalf of the petitioner submits that the allegations alleged in the FIR clearly show that the petitioner Learned Senior counsel further submits that the reason for implicating the petitioner in the present case is that in an earlier FIR registered against the husband of the petitioner, Court directed registration of an FIR against the police officials while exonerating the husband of the petitioner.

Learned Senior counsel further submits that in the present case as per the FIR the police officials had gone to the premises along with a decoy customer and were watching everyone but still it has been mentioned that the petitioner was able to escape from the clutches of the police and that too along with the machine. Learned Senior counsel also contends that the petitioner was not present at the site and in fact the petitioner is being falsely implicated in the present case so as to put pressure to support police officials in the cases registered against them. Learned counsel argues that the intoxicating tablets stated to have been recovered from the hospital premises, which is run by the husband of the petitioner and the petitioner has no concern with the said recovery.

Learned State counsel on the other hand submits that the allegations against the petitioner are very serious. Learned counsel for the State after going through the FIR concedes that the police had gone with full preparation along with a decoy customer to see whether any illegality is being committed in the hospital being run by the husband of the petitioner. Learned counsel submits that the petitioner had given a slip to the police and escaped along with the machine.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, though it is being

alleged that the petitioner was present at the premises at the time of the raid by the police but nothing has been placed on record of this Court so far substantiating her presence. Her presence at the time of raid is being disputed and the said fact will be proved during the trial. Furthermore, keeping in view the history that earlier the husband of the petitioner was implicated in a false case where FIR was got registered against the police officials, the petitioner has made out a case for the grant of anticipatory bail especially when she has undertaken that she will join the investigation and cooperate with the same.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

- i) That she shall make herself available for interrogation by the police officer as and when required.
- ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the said facts to the Court or to any police officer.
- iii) That she shall not leave India without prior permission of the Court.
- iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 24.11.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, on instructions from ASI Rajbir, states that in terms of the order passed by this Court, reproduced before, the petitioner has joined investigation and she is not required for further interrogation, at this stage.

In view of the above, the order dated 03.09.2021 passed by this Court granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated

under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 24, 2021
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No