

CRM-M-32739-2021

Date of Decision: 20.09.2021

Charan Kaur

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (ORAL)

On 13.08.2021, the following order had been passed by this
court:-

*“Case heard via video conferencing. *

Vide this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 of the Cr.P.C., upon FIR no.112, dated 09.06.2021, having been registered at Police Station Bhwanigarh, District Sangrur, alleging therein the commission of offences punishable under Sections 22 and 29 of the NDPS Act.

Learned counsel for the petitioner submits that the petitioner is a 73 year old lady who has not been named in the FIR and she has been arraigned as an accused on an alleged disclosure statement made in police custody by the person who is stated to have been apprehended with 240 tablets of Tramadol Hydrochloride, with that person stated to be the petitioners' daughter-in-law.

Notice of motion.

Mr. Rana Harjasdeep Singh, learned DAG, Punjab, accepts notice at the asking of the court and submits that as per his instructions, there was one other case registered against the petitioner under the provisions of the NDPS Act itself in which she was convicted in the year 2017; otherwise, he does not however deny that the petitioner has been arraigned as an accused on the disclosure statement made by her daughter-in-law and co-accused, Sunita Rani.

That being so, the petitioners' involvement at this stage being doubtful, therefore even in terms of sub-clause (ii) of clause (b) of Section 37(1) of the NDPS Act, 1985, the petitioner is directed to join investigation within one week and upon her so joining, in case she is sought to be arrested, she shall be released on interim bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

She shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Ilqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation. A gazetted officer is directed to file a reply to the petition also stating therein the actual age of the petitioner.

Adjourned to 20.09.2021.”

Learned State counsel, on instructions from ASI Balwinder Singh, submits that the petitioner has joined investigation, pursuant to the aforesaid order and presently his custodial interrogation is not required.

In view of above, the petition has actually been rendered infructuous and is disposed of as such.

However, if the petitioners' custodial interrogation is required at any stage hereinafter, in the context of the FIR in question, he would be given 10 days notice before arrest, duly shown to be served upon him.

September 20, 2021
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.