

CRM-M-35966-2021

Date of Decision:27.10.2021

Kulwinder Kaur

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGHPresent: Mr. Bikramjeet Singh, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

On 02.09.2021, the following order had been passed by this
court:-

“Case heard via video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.0066, dated 28.07.2021, having been registered at Police Station Joga, District Mansa, alleging therein the commission of an offence punishable under the provisions of Section 22 of the NDPS Act, 1985 (with Section 29 of the said Act, added later).

Learned counsel for the petitioner submits that other than a disclosure statement allegedly made, in police custody, there is no other evidence to connect the petitioner to the contraband and consequently, she deserves to be admitted to bail.

Notice of motion.

Mr. Rana Harjasdeep Singh, DAG, Punjab, accepts notice at the asking of the court on behalf of the respondent State.

A copy of the petition be supplied to him by counsel for the petitioner today itself.

Learned State counsel, on instructions, submits that the petitioner was indeed named in the disclosure statement of the co-accused and upon further query he submits that, again as per his instructions, there is no other criminal case registered against the petitioner. He further

submits that the petitioner is the daughter of the lady who was apprehended at the spot by the police carrying contraband with her (as per the case of the investigating agency).

In view of the above, in my opinion in any case it not having been determined as to whether the quantity of contraband was of “commercial weight” or below, and there being nothing other than an alleged disclosure statement made in police custody against the petitioner, she is directed to join investigation within one week and if, upon her so joining, 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 Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 27.10.2021.”

Pursuant to the aforesaid order, learned State counsel submits, on instructions, that the petitioner has joined investigation and presently at least her custodial interrogation is not required.

That being so, without making any comment on the actual merits of the case, this 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, she would be given 10 days notice before arrest, duly shown to be served upon her.

October 27, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO