

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM-M-41220-2021

Date of Decision : November 25, 2021

Geeta Devi

..Petitioner

Versus

State of Haryana

..Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jaskaran Kaur, Advocate, for
Mr. D.N. Ganeriwala, Advocate, for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.168 dated 31.07.2021 registered under Sections 20/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Garhi, District Jind.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 01.10.2021. Order dated 01.10.2021 is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.168 dated 31.07.2021 registered under Sections 20/27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Garhi, District Jind.

Learned counsel for the petitioner argues that the the

petitioner has been roped in the present case on the basis of the disclosure statement of a co-accused namely, Sucha Singh, who is the husband of the petitioner. Learned counsel for the petitioner further argues that as per the disclosure statement of the said co-accused, the contraband i.e. 1.583 Kgs of Ganja recovered from him, was given to him by his wife. Learned counsel for the petitioner submits that on the face of it, the said disclosure statement seems to be coercive in nature and, therefore, the petitioner, who is ready to join and cooperate in investigation may kindly be granted the benefit of anticipatory bail.

Notice of motion for 25.11.2021.

Mr. Gaurav Bansal, AAG, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that when the fact has come in the disclosure statement of the co-accused that the contraband recovered from him, was given to him by his wife, it becomes the duty of the investigating agency to find out the access from where the petitioner has received the said contraband, for which purpose, the custodial interrogation of the petitioner is necessary though, the same is not commercial in nature.

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

Once, the petitioner is being roped in present FIR on the basis of the disclosure statement of a co-accused, who is the husband of the petitioner and the quantity of the contraband recovered from the said co-accused is non-commercial in nature, the purpose of investigation will be achieved, in case, the petitioner is directed to join and cooperate in investigation.

The 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 her furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make himself 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.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Ravinder Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 01.10.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

November 25, 2021

harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No