

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

Sr. No.205

CRM-M-41752-2021

Date of Decision: 02.12.2021

DALIP KAUR @ BAGGO

... Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Harsimran Singh Sethi, J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.79 dated 30.08.2021 under Sections 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Dhilwan, District Kapurthala.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 05.10.2021.

Order dated 05.10.2021 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.79 dated 30.08.2021 registered under Sections 21(b) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, NDPS, Act) at Police Station Dhilwan, District Kapurthala.

Learned counsel for the petitioner argues that keeping in view the allegations alleged in the FIR, it is not the case that the contraband which was recovered from the co-accused namely, Jaspal Singh was procured from the petitioner rather as per the disclosure statement of the said co-accused, the same was meant for the petitioner. Learned counsel for the petitioner

further argues that the said disclosure statement of the coaccused has no value as of now as the allegations are yet to be proved during trial. Learned counsel for the petitioner submits that nothing is to be recovered from the petitioner and the petitioner is ready to join and cooperate in investigation and, therefore, she be granted the benefit of anticipatory bail.

Notice of motion for 02.12.2021.

Mr. Ramdeep Partap Singh, DAG, Punjab, who is present in the Court accepts notice on behalf of respondent-State.

Learned State counsel submits that though, the statement of the learned counsel for the petitioner is correct that as per the disclosure statement of the co-accused, Jaspal Singh, the contraband was meant for the petitioner and nothing has been recovered from her but, the petitioner is also involved in another case relating to the violation of NDPS, Act.

Learned counsel for the petitioner submits that in the said other case, the petitioner was also involved on the basis of the disclosure statement and she was granted anticipatory bail in the said case.

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

The contraband, which has been recovered from the co-accused namely, Jaspal Singh, is of non-commercial quantity and the allegations that the said contraband was meant for the petitioner are yet to be proved during trial. As nothing is to be recovered from the petitioner and the learned counsel for the petitioner has undertaken before this Court that the petitioner is ready to join and cooperate in investigation, the petitioner has made out a case for the grant of anticipatory bail.

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 on instructions from ASI Balwinder 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 he is required for the same in future as well.

In view of the above, the order dated 05.10.2021 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. He 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 order.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

02.12.2021
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Whether speaking/reasoned : Yes

Whether reportable : No