

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

**CRM-M-41120-2020  
Date of decision: 24.03.2021**

**Happy Kaur**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. J. S. Sandhu, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

**ARVIND SINGH SANGWAN, J. (Oral)**

Prayer in this petition is for grant of anticipatory bail in FIR No.283 dated 20.11.2020 under Section 22 of NDPS Act, registered at Police Station Bhikhi, District Mansa.

The operative part of the order dated 21.12.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that the petitioner is a lady and is not involved in any other case. It is further submitted that the FIR was registered on the basis of a secret information that husband of the petitioner Atma Singh @ Nikka and the petitioner are involved in selling the intoxicant tablets and if a raid is conducted, recovery can be effected. It is also submitted that despite the fact that the police has prior information and the raid was conducted in presence of Sarpanch of the village as well as DSP, neither the petitioner nor her husband were found present at the spot and recovery of 900 tablets of Clovidol was effected.

Learned counsel for the petitioner has further

submitted that version of the police is not believable, as raid, which was conducted after receiving a secret information, that too in presence of the informer and Sarpanch of the village, therefore, it cannot be said that movement of the petitioner or her husband was not known to the police officials and the very fact that raid was conducted in their absence, raises a suspicion. Learned counsel further submits that he has instructions to say that the husband of the petitioner is going to surrender before the police.

Learned State counsel has, however, submitted that husband of the petitioner is involved in one more case under NDPS Act, however, the petitioner is not involved in any other case.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 21.12.2020, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from SI Shivji Ram, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 21.12.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

**24.03.2021**

*Waseem Ansari*

**(ARVIND SINGH SANGWAN)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*