

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38537-2019 (O&M)
Date of Decision:-16.8.2021

Krishna @ Manjeet Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by SI Gurpreet Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.104 dated 8.8.2019 at Police Station Sherpur, District Sangrur under Sections 21 and 29 of Narcotic Drugs & Psychotropic Substances Act, 1985.
2. While granting interim bail to the petitioner on 29.1.2020, the following order was passed:

“Through this petition under Section 438 Cr.P.C. prayer has been made for grant of anticipatory bail to the petitioner in case arising from FIR No.104 dated 08.08.2019, registered under Sections 21

and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station Sherpur, District Sangrur.

Status report by way of affidavit of Rachhpal Singh, Deputy Superintendent of Police, Sub Division, Dhuri, District Sangrur on behalf of respondent-State has been filed. Same is taken on record. Be tagged at appropriate place. Copy has been supplied.

According to prosecution, on 08.08.2019, co-accused Jaswinder Kaur @ Jassi was apprehended with conscious possession of 07 grams of intoxicant powder, prohibited under the Narcotic Drugs & Psychotropic Substances Act, without any permit or licence. During her interrogation, she disclosed the name of petitioner from whom she allegedly purchased the said intoxicant powder.

Learned counsel contends that petitioner was not apprehended on the spot. She has been falsely implicated on the alleged disclosure statement of co-accused Jaswinder Kaur @ Jassi which is a weak type of evidence.

Considering overall facts and circumstances, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, she shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Adjourned to 30.04.2020, for consideration.”

3. Learned State counsel, upon instructions from SI Gurpreet Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and that the petitioner is not involved in any other case.
4. Having regard to the aforestated facts and circumstances particularly the fact that the petitioner was not arrested at the spot and has since joined investigation and has clean antecedents, her custodial interrogation is not warranted. The petition, as such, is accepted and the interim directions issued

by this Court vide order dated 29.1.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

16.8.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No