

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

CRM-M-3601-2021 (O&M)
Date of Decision:-17.3.2022

Surjit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Puja Chopra, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab,
assisted by ASI Sinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against her vide FIR No.93 dated 5.7.2020 at Police Station City Samana, District Patiala under Section 22 of Narcotic Drugs & Psychotropic Substances Act, wherein offence under Sections 25 and 29 of NDPS Act were added later on.
2. At the time of issuance of notice of motion, the following order was passed on 29.1.2021:

“Learned counsel for the petitioner submits that it is the second petition seeking grant of anticipatory bail and that the earlier

petition had been dismissed as incorrect information has been furnished on behalf of the State to the effect that the petitioner stands convicted in two identical cases whereas the said position is not correct. Learned counsel in this regard has drawn the attention of this Court to a judgment dated 12.5.2012 (Annexure P-6) passed by the Court of Special Judge, Patiala, vide which the petitioner has been acquitted in respect of FIR No. 238, dated 18.6.2010, Police Station Samana, under Section 21 of NDPS Act. Learned counsel has also drawn the attention of this Court to another judgment passed by this Court wherein the conviction of the petitioner for having been in possession of commercial quantity of contraband was altered to conviction for a noncommercial quantity of contraband.

Learned counsel has further submitted that the instant case is a case wherein the petitioner was never arrested at the spot and is alleged to have been nominated as an accused on the basis of a disclosure statement allegedly made by co-accused. It has been submitted that the petitioner has been implicated falsely as she happens to be a Panch of the village, on account of political rivalries in the village.

Notice of motion for 27.5.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and she is not required for any custodial interrogation.

4. Having regard to the aforestated position, wherein the petitioner having been nominated on the basis of a disclosure statement and being a lady and is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 29.1.2021 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.

17.3.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No