

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

CRM-M-18903-2022 (O&M)
Date of Decision:-12.9.2022

Sita Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anureet Singh Sidhu, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by SI Jasvir Singh.

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.40, dated 29.6.2021, Police Station Sehna, District Barnala, under Sections 22, 25 of NDPS Act (Section 29 of NDPS Act added later on).
2. At the time of issuance of notice of motion, the following order was passed on 6.5.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against her vide FIR No.40, dated 29.6.2021, Police Station Sehna, District Barnala, under Sections 22, 25 of NDPS Act (Section 29 of NDPS Act added later on).

The FIR was lodged on the basis of receipt of secret information by the police to the effect that Amarjit Singh @ Simmi alongwith his brother Harjinder Singh were proceeding in their car for sale of intoxicant tablets. Pursuant to receipt of said information, the aforesaid two persons were arrested by the police and recovery of one plastic bag from diggy of the car, 100 packets each packet containing 10 strips and each strip containing 50 intoxicant tablets (total 50000 intoxicant tablets) of Celcidol 100-SR apart from drug money amounting to Rs.43,000/- recovered from the dash-board of the car was effected. It is further the case of prosecution that during the course of interrogation, Harjinder Singh made a disclosure statement to the effect that he used to procure the aforesaid contraband from one Rimpi Kaur. It is further the case of prosecution that after arrest of Rimpi Kaur and she disclosed that the petitioner used to supply the contraband to her. Learned counsel for the petitioner submits that she is nowhere named in the FIR and has been nominated as an accused on the basis of alleged disclosure statement made by one Rimpi Kaur who herself was nominated on the basis of disclosure statement of another accused namely Harjinder Singh. It has further been submitted that the petitioner was nowhere present near the place of occurrence and nor any recovery was ever effected from her and has been falsely implicated on the basis of disclosure statement which would not carry any evidentiary value in the absence of any other corroborative evidence.

Notice of motion for 12.9.2022.

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 SI Jasvir Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and she is not required for any custodial interrogation. Learned State counsel has informed that the petitioner is not involved in any other case.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation and she is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 6.5.2022 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.

12.9.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No