

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 20259 of 2022

Date of Decision: 12.5.2022

Amarjeet Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., seeking the indulgence of anticipatory bail to the petitioner.

2. In FIR bearing No. 104 of 23.3.2022, registered at Police Station City Faridkot, District Faridkot, offences constituted under Sections 21-B, 29 of the NDPS Act, and, under Sections 42, 52-A of the Prisons Act, 1894, are embodied.

3. The present petitioner is the mother of the prison inmate, one Gurdeep Singh, and, is alleged to hide within the clothes concerned, the intoxicant substance, as became supplied to the prison inmate, by the present petitioner. Therefore, even if the relevant recovery became effected from the purported exclusive, and, conscious possession of the prison inmate, who is the son of the present petitioner, yet when she was the supplier thereof to her son, who is alleged to be in custody, hence she became the accessory before the fact, and/or is a conspirator along with the principal accused for the offences

concerned.

4. However, since it is stated, at the bar, by the learned State counsel, that the weight of the seizure makes it fall within the ambit of intermediate quantity. Therefore, the rigours of Section 37 of the NDPS Act, are not applicable to the weight of the afore seizure. Hence, the indulgence of anticipatory bail is to be accorded, to the bail applicant-petitioner.

5. Consequently, the bail applicant-petitioner is admitted to anticipatory bail, and, in the event of her arrest, she may not be arrested by the investigating officer concerned. However, subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs. 50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when she is summoned through a written Hukamnama, she shall ensure her rendering cooperation to the investigating officer.

6. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

7. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

May 12, 2022
Gurpreet

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No