

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-21370-2022

Date of decision : 11.10.2022

Neetu Singh

... Petitioner

VERSUS

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Pankaj Bains, Advocate, for
Mr. Pushp Jain, Advocate,
for the petitioner.

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail to the petitioner in criminal case having FIR No.33 dated 10.4.2022 registered under Sections 15/61 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Joga, District Mansa.

Counsel for the petitioner submits that the petitioner was nominated as accused on the basis of the alleged disclosure made by co-accused Shinder Kaur @ Amandeep Kaur from whom 1 kg of poppy husk was alleged to be recovered by the police on 10.4.2022. He further submitted that the petitioner has joined the investigation in compliance of order dated 18.5.2022 passed by this Court.

State counsel on instructions from ASI Sewak Singh has not refuted the aforesaid assertions made by the counsel for the petitioner and further submits that the petitioner is not required by the police for further

investigation or custodial interrogation. He further submits that the

petitioner is having no criminal history.

The veracity and relevancy of the alleged disclosure made by co-accused Shinder Kaur @ Amandeep Kaur against the petitioner will be tested during the trial. The present case is relating to recovery of 1 kg of poppy husk from the possession of co-accused Shinder Kaur @ Amandeep Kaur and the case comes under non-commercial quantity and thus, embargo provided under Section 37 of NDPS Act is not applicable to the instant case. Further, the petitioner who has joined the investigation is not required by the police for custodial interrogation.

In view of the above and without commenting upon the merits of the case, the present petition is allowed and order of interim bail dated 18.5.2022 is hereby made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(KARAMJIT SINGH)
JUDGE

October 11, 2022
Paritosh Kumar

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