

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

CRM-M-24857-2019 (O&M)
Date of Decision:-13.1.2022

Amritpal Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Charanpreet Singh, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sikander Pal.

(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.46 dated 3.5.2019 at Police Station Rahon, District SBS Nagar under Sections 21/29 of Narcotic Drugs & Psychotropic Substances Act.
2. It is the case of prosecution that on 3.5.2019 one Jaswinder Singh @ Jimmy was apprehended by the police, who was found in possession of 260 grams of 'heroin'. It is further the case of prosecution that during the course of interrogation said Jaswinder Singh @ Jimmy disclosed that he had received the contraband from a 'Negro' on the asking of the petitioner.

3. Learned counsel for the petitioner submits that the petitioner has been nominated on the basis of an alleged disclosure statement made by the accused to the effect that it was on her asking that the contraband had been supplied to the co-accused Jaswinder Singh @ Jimmy through a 'Negro', whereas there is no evidence to support the said allegations.
4. On the other hand, learned State counsel has opposed the petition while stating that since the co-accused Jaswinder Singh @ Jimmy had nominated the petitioner as the supplier immediately when he was apprehended by the police, the complicity of the petitioner is clearly evident. It has further been submitted that the petitioner happens to be involved in 3 other cases. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that the petitioner was never arrested at the spot and has been nominated on the basis of a disclosure statement and is 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 22.11.2019 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.

13.1.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No