

CRM-M-32783-2021

Date of Decision:17.01.2022

Jaswant Kaur

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S.Sekhon, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conferencing.

On 08.11.2021, the following order had been passed by this
court:-

“By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.80, dated 18.04.2021, having been registered at Police Station Samana, District Patiala, alleging therein the commission of offences punishable under the provisions of Sections 302/201 of the IPC.

Learned counsel for the petitioner submits that the petitioner was not even named as an accused by her co-accused, Baldev Singh, in the initial disclosure statement that he made (copy Annexure R-1 with the reply of the DSP), and it is only subsequently that it is alleged (as per the reply of the DSP), that Baldev Singh named the petitioner as the person who instigated him to commit the murder.

Without making any comment on the actual merits of the case at this stage, the petitioner is directed to join investigation within one week and if, upon her so joining, she is sought to be arrested, she shall be released on interim bail, upon her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Duty Magistrate, till the next date of hearing.

She shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this court.

Adjourned to 20.12.2021.”

Today, learned State counsel submits, on instructions from ASI Ranjit Singh, that the petitioner having joined investigation, her custodial interrogation is not required.

It is to be noticed that after notice of motion was issued in the petition on 13.08.2021, a status report dated 23.08.2021 was filed by the DSP, Sub Division Samana, in which it is stated that the petitioners' name was disclosed by her co-accused, Baldev Singh, when he was interrogated, to the effect that Balwant Kaur alias Banto, wife of Kuldeep Singh resident of Muradpur, gave him some intoxicant substance to administer to Kala Singh as an overdose, and he had accordingly given such substance to Kala Singh on 16.04.2021, as a result of which he eventually died.

It has next been stated that the petitioner discloses her name as Balwant Kaur alias Banto to her customers, who purchase drugs from her, with there being two FIRs registered against her under the provisions of Section 15 of the NDPS Act, 1985, (upon 5 kgs and 1 kg of poppy husk alleged to have been recovered from her in the context of those FIRs, as per the allegations therein).

It is of course to be noticed that even in that affidavit, it has not specifically been stated that the petitioners' custodial interrogation is required.

That affidavit having been executed on 23.08.2021 but with the learned State counsel today, 5 months later, submitting that, as per his instructions from ASI Ranjit Singh, the petitioners' custodial interrogation is not required, without making any comment on the actual merits of the case, the petition is allowed, with the order dated 08.11.2021 made absolute on the same terms and conditions.

January 17, 2022

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : NO