

**209-B *IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH***

CRM-M-33554-2022(O&M)

Date of decision : 06.09.2022

Mukhtiar Kaur @ Piaro

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. C.S. Rana, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 71 having been registered at Police Station Jagraon, District Ludhiana, on 27.05.2022, alleging therein the commission of offences punishable under the provisions of Section 21 of the NDPS Act, 1985.

On 05.08.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 71 having been registered at Police Station Jagraon, District Ludhiana, on 27.05.2022, alleging therein the commission of offences punishable under the provisions of Section 21 of the NDPS Act, 1985.

Learned counsel for the petitioner relies upon orders passed by this court in the case of other co-accused of the petitioner admitting them to interim bail, the reasoning given in those orders being that the petitioners were nominated as accused only on the basis of the statement of 'Granthi' of the village.

Learned State counsel on query does not deny that the petitioner was not any differently placed to those other persons but upon further query, he has taken instructions from ASI Gurdeep

Singh that though the house of the petitioner was also 'raided', though it was found locked and therefore no contraband was actually found from her house.

That being so, without making any comment on the actual merits of the case, issuance of formal notice stands waived with the presence of learned State counsel who has already received instructions in the matter.

Adjourned to 06.09.2022.

In the meanwhile, upon the petitioner joining investigation within one week, in case she is sought to be arrested, she would be released on bail, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

She shall also comply with the 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 her in investigation, in terms of the order of this court.

To be heard along with CRM-M-32950 of 2022. .

(AMOL RATTAN SINGH)
JUDGE

August 05, 2022
nitin”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Gurdeep Singh has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 05.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 05.08.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

Pending applications, if any, stands disposed of in view of the above said order.

(VIKAS BAHL)
JUDGE

September 06, 2022
Amandeep

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