

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-38379 of 2021

Date of Decision:-20.1.2022

Balvir Kaur alias Gori Veero

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- None for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.0100 dated 17.7.2021, under Section 15, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Adampur, District Jalandhar.

On 16.9.2021, this Court had passed the following order :-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.100 dated 17.07.2021 registered under Sections 15, 61 and 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short, 'NDPS, Act') at Police Station Adampur, District Jalandhar.

Learned counsel for the petitioner argues that in the present case, the recovery has been done from a vacant plot and that too in the absence of the petitioner and the only allegation alleged against the petitioner is that she was using the said plot, which allegation is yet to be proved during the trial therefore, keeping in view the facts and circumstances of the present case, wherein, recovery has not been effected from the conscious possession of the petitioner and the petitioner is ready to join and cooperate in the investigation, she be granted the benefit of anticipatory bail.

Notice of motion for 01.12.2021.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that alongwith the present case, the petitioner is also involved in other cases relating to violation of the NDPS, Act and Excise Act and in two cases, the petitioner has also been convicted. Learned State counsel concedes that the recovery in the present case was done from a vacant plot which was allegedly being used by the petitioner and the quantity of the contraband recovered is commercial in nature.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, no recovery has been effected from the conscious possession of the petitioner and the allegation that the plot from which the recovery of the contraband was done, was being used by the petitioner, is yet to be proved during the trial and as the learned counsel for the petitioner has undertaken before this Court that the

petitioner is ready to join and cooperate in the investigation, the petitioner has made out a case for the grant of anticipatory bail to her.

The petitioner is directed to join the investigation forthwith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

(i) That she shall make himself available for interrogation by the police officer as and when required.

(ii) That she shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C. ”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Bhupinder Pal states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

The petitioner is directed to join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 16.9.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. She shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 20, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No