

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

CRM-M-35488-2022 (O&M)
Date of Decision:-17.10.2022

Kaki Kaur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Jaswinder Kaur, Advocate for
Mr. J.K. Singla, Advocate for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Bhola Singh.

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.123, dated 18.7.2022, Police Station Bhikhi, District Mansa, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. At the time of issuance of notice of motion, the following order was passed on 16.8.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.123, dated 18.7.2022, Police Station Bhikhi, District Mansa, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.

Learned counsel representing the petitioner has today referred to some reports of FSL in respect of some other FIRs, wherein the

average weight of 'Alprazolam/Alprasafe-0.5' tablet has been shown as 121.5 mg. approximately. In case, it is assumed that average weight of the tablets recovered in the present case is also around 121.5 mg, then the total weight of 360 tablets would work out to about 44 grams, which would be less than the commercial quantity prescribed, which is 100 grams. It is co-accused Vijay Kumar and Vicky Kumar, who were found in possession of 360 tablets of 'Alprazolam/Alprasafe-0.5'. During the course of their interrogation, they disclosed that they had procured the said tablets from the petitioner.

Learned counsel for the petitioner submits that apart from the fact that the recovered quantity would fall in the category of 'non-commercial' quantity, the petitioner has been nominated on the basis of a disclosure statement, which would hardly carry any evidentiary value.

List again on 12.10.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, upon instructions from ASI Bhola Singh, has informed that pursuant to interim directions, the petitioner has since joined investigation and she is not required for any custodial interrogation. Learned State counsel has informed that the petitioner happens to be involved in 2 other cases.
4. Having regard to the aforestated position, wherein the petitioner, who is a lady, 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 16.8.2022 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.

17.10.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No