

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

CRM-M-40156-2021 (O&M)

Date of Decision:- 4.5.2022

Rani Kaur

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Munish Garg, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by ASI Joginder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against her vide FIR No.62, dated 19.5.2021, Police Station Dhanaula, District Barnala, under Sections 15, 25, 29, 61/85 of NDPS Act.
2. At the time of issuance of notice of motion the following order was passed on 27.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.62 dated 19.5.2021 at Police Station Dhanaula, District Barnala under Sections 15, 25, 29, 61, 85 of Narcotic Drugs & Psychotropic Substances Act.

The FIR was lodged pursuant to receipt of secret information to the effect that four persons namely Harbhinder Singh, Dharminder Singh, Major Singh and Jaswant Singh indulged in sale of 'poppy husk'. Pursuant to receipt of aforesaid secret information the said four persons were apprehended while they were travelling in two cars and 10 bags of 'poppy husk' weighing 25 kilograms each were recovered from them. It is further the case of prosecution that Harbhinder Singh suffered a disclosure statement to the effect that the said 'poppy husk' had been purchased at the instance of Jot Samana and was to be delivered to the petitioner Rani Kaur.

Learned counsel for the petitioner has submitted that the petitioner was never ever present at the spot and nor any recovery was ever effected from her and has been nominated on the basis of a disclosure statement simply to the effect that the recovered 'poppy husk' was to be delivered to her. Learned counsel has submitted that no evidentiary value can be attached to such like disclosure statement in the absence of any other evidence to show that the petitioner was also into drug peddling or that the consignment of 'poppy husk' was indeed to be delivered to the petitioner.

Notice of motion for 16.12.2021.

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 Joginder Singh has informed that pursuant to interim directions issued on 27.9.2021, the petitioner has joined investigation. It has however, been informed that there are three other cases against the petitioner and that while two are under NDPS Act, one is under Excise Act. Upon instructions from ASI Joginder Singh, it has further been informed that the petitioner is not required for any custodial interrogation.
4. Having regard to the fact that the petitioner was nominated as an accused pursuant to disclosure statement, the admissibility and veracity of which would be debatable and while also bearing in mind that the petitioner has since joined investigation and is not stated to be required for any custodial interrogation, the petition is accepted and interim directions issued by this Court vide order dated 27.9.2021 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.

4.5.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No