

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

110+227

CRM-M-42053-2021 (O&M)

PARKASH KAUR ALIAS PASHO

... Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

2.

CRM-M-3991-2022

BUTA

... Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

Date of Decision: 19.04.2022

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Lakshay Bector, Advocate
for the petitioner(s).

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J.(Oral)

CRM-13938-2022 in CRM-M-42053-2021

For the reasons recorded, the application is allowed.

Documents Annexure P-2 to P-4 are taken on record.

CRM-M-42053-2021 and CRM-M-3991-2022

By this common order above mentioned two petitions,
which arise out of the same FIR are being disposed of.

By way of the present petitions, filed under Section 439
Cr.P.C., petitioners namely, Parkash Kaur @ Pasho and Buta seek
regular bail in case FIR No.111, dated 19.06.2021, registered under
Section 22 of NDPS Act, 1985 at Police Station City Jagraon, District

Ludhiana.

Learned counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of ASI Sukhdev Singh, a secret information was received that petitioner-Parkash Kaur @ Pasho is bringing intoxicant tablets and one case under the NDPS Act is already registered against her and she can be apprehended near a college. On receiving the information, a ruqa was sent to the police station for registration of the FIR and information under Section 42 of the NDPS Act was also prepared and was sent to the higher police official.

Learned counsel for the petitioner has submitted that the ruqa was sent to the Police Station at 8:30 pm and thereafter, the FIR was registered at 9:25 pm, however, a perusal of the special report under Section 42 of the NDPS Act, which was sent simultaneously at the time when the ruqa was sent to the police station shows that the complete details of the FIR are given, which raises a suspicion about the investigation.

Learned counsel for the petitioner further submits that even in the ruqa, there is a mention that the special report under Section 42 of the NDPS Act has been prepared and as the ruqa was sent prior to the registration of the FIR, there was no occasion for the Investigating Officer to mention the FIR number in the said special report under Section 42 of the NDPS Act.

Learned counsel for the petitioner submits that petitioner-Parkash Kaur @ Pasho is a lady aged about 62 years and she is in judicial custody for the last 09 months and 27 days.

Learned counsel for the petitioner further submits that petitioner Buta Singh was nominated on the disclosure statement of Parkash Kaur @ Pasho and nothing was recovered after his arrest in this case and he is in judicial custody for the last 06 months and 15 days.

Learned State counsel on instructions from SI Gursewak Singh could not dispute the above stated facts.

I have heard learned counsel for the parties.

Without commenting on the merits of the case, considering the aforesaid facts and circumstances, the present petitions are allowed and petitioners namely, Parkash Kaur @ Pasho and Buta are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Ludhiana.

(ARVIND SINGH SANGWAN)
JUDGE

19.04.2022
rimpal

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