

204 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-42996-2021

Date of Decision: 02.02.2022

Manjeet Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Laghuinder Singh Sekhon, Advocate, for the petitioner.
Mr. Sandeep Singh Deol, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 133, dated 21.09.2021, under Section 22 of the NDPS Act, registered at Police Station Dayalpura, District Bathinda.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 12.10.2021, passed by this Court, which is as under:-

“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. 133, dated 21.09.2021, registered under Section 22 Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Dayalpura, District Bathinda.

Learned counsel for the petitioner argues that in the present case, the allegation is that on secret information, the house of the petitioner was raided for the recovery of banned drugs and on seeing the police party, the petitioner ran away and thereafter, 2200 tablets of Redol-100 were recovered from the house of the petitioner. Learned counsel for the petitioner

submits that on the face of it, the allegations alleged against the petitioner are incorrect for the reason that the petitioner had suffered injuries in an accident due to which, there is a rod and plate inserted in the arm and leg of the petitioner with the help of screws, due to which, the petitioner walks with great difficulty hence, question of running away on being approached by the police party, as being alleged in the FIR, is incorrect. Learned counsel for the petitioner further submits that even otherwise, nothing has been mentioned as to whether the house of the petitioner was opened and who was present in the house when recovery of the alleged contraband was effected, which makes the allegations doubtful.

Notice of motion.

Ms. Bhavna Gupta, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State.

Learned State counsel on instructions from ASI Sukhpal submits that the raid was conducted on the basis of the secret information received and the recovery of the contraband is commercial in nature. On being asked, as to whether the house of the petitioner was locked or open and whether somebody was present in the house or not and how the petitioner ran away from the house on seeing the police party, learned State counsel submits that the said fact will come on record during the investigation.

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

Keeping in view the medical condition of petitioner described wherein, the petitioner is merely

able to walk properly, the question of her running away on seeing the police party, creates a doubt though, the establishment of the said fact will be depending upon the evidence being produced during the trial. Further, nothing has come on record as to how the police entered the house without there being anyone in the said house. Keeping in view the said fact, the petitioner has been able to cross the hurdles as imposed by Section 37 of the Excise Act, especially, when there is no other case against the petitioner under the NDPS Act.

As the petitioner has undertaken to join the investigation and co-operate with the same, she has made out a case for the grant of anticipatory bail.

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 his/her satisfaction 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.

Adjourned to 13.12.2021.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conferencing, on instructions from ASI Karamjit Singh, 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.

Learned counsel for the petitioner undertakes that petitioner will 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 12.10.2021 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 shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

02.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes
2. Whether reportable: No