

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

CRM-M-40646-2022 (O&M)
Date of Decision:- 13.12.2022

Gejo @ Champa Devi

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ritesh Pandey, Advocate, for the petitioner.

Ms. Swati Batra, DAG, Punjab,
assisted by ASI Palwinder 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 him vide FIR No.203, dated 5.8.2022, Police Station Civil Line Batala, District Batala, under Sections 21(c) and 29 of NDPS Act
2. At the time of issuance of interim bail the following order was passed on 7.9.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.203, dated 5.8.2022, Police Station Civil Line, Batala, District Batala, under Sections 21(c) and 29 of NDPS Act.

The case of the prosecution, in nutshell, is that on 5.8.2022, during the course of patrolling, the police came across one person, who upon noticing the police party tried to turn back. The said person was apprehended by the police on grounds of suspicion. Upon inquiries, he disclosed his name as Hardeep Kumar @ Pappu. His search led to recovery of 300 grams of 'heroin'. It is further the case of prosecution that upon interrogation, he suffered a disclosure statement to the effect that he alongwith his wife had procured the 'heroin' from someone.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case on the basis of alleged disclosure statement of Hardeep Kumar @ Pappu, who is none else but the petitioner's husband and it is highly unlikely that a husband would himself get his wife implicated. Learned counsel submits that the petitioner otherwise has a clean record and is not involved in any other case under NDPS Act.

Notice of motion for 13.12.2022.

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 Palwinder Singh, has submitted that the petitioner has joined investigation and is not required for any custodial interrogation. It has further been informed that the petitioner stands involved in 7 other cases for offence punishable under the Excise Act.

4. In view of the aforestated position wherein the petitioner has joined investigation and he is not stated to be required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 7.9.2022 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.

13.12.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No