

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-47482-2021

Date of Decision : February 08, 2022

Sawinder Kaur @ Shindo

.. Petitioner

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. K.P. Singh, Advocate, for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.194 dated 22.07.2021 registered under Sections 21(b) of the NDPS Act, at Police Station Maqboolpura District Amritsar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 29.11.2021. Order dated 29.11.2021 is as under:-

“Learned counsel for the petitioner argues that 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.194 dated 22.07.2021 registered under Sections 21(b) of the NDPS Act, at Police Station Maqboolpura District Amritsar. Learned counsel submits that in the present case the petitioner has only been roped in, on the basis of disclosure

statement of the co-accused from whom 50 gms of heroine was recovered. Learned counsel further submits that co-accused has stated in his disclosure statement that the said contraband, was supplied to him by the present petitioner for selling and the said co-accused, after selling the same used to hand over the money to the petitioner. Learned counsel for the petitioner argues that mere statement of the co-accused before the police carries no weight and nothing has come on record to corroborate the said allegation as of now and therefore, as the petitioner is ready to join the investigation and cooperate, she may kindly be extended the benefit of the anticipatory bail.

Learned State counsel concedes that as of now only the disclosure statement of the co-accused is on record so as to involve the petitioner though corroborating evidence will come only 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 facts and circumstances of this case, especially when nothing has been recovered from the petitioner and the petitioner is only roped in the present case on the basis of a disclosure statement of the co-accused, the purpose of investigation will be achieved, if the petitioner is directed to join and cooperate with the investigation forthwith.

The 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 herself 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 him 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 08.02.2022.

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, on instructions from ASI Amrik Singh, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner 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 29.11.2021 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 will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 08, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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