

*(Through Video Conferencing)*CRM-M No.48594 of 2021
Date of Decision: 18.01.2022

Rajni @ Ashoka

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHIPresent: Mr. Amandeep Singh Manaise, Advocate,
for the petitioner.

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

HARSIMRAN SINGH SETHI, J. (ORAL)

Petitioner is seeking anticipatory bail in FIR No.122 dated 16.06.2021 registered under Sections 22 & 29 of NDPS Act, at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 22.11.2021. Order dated 22.11.2021 is as under:-

“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.122 dated 16.06.2021 registered under Sections 22 and 29 of the NDPS Act, at Police Station Civil Lines Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner submits that the petitioner has been roped in the present case only on the basis of the disclosure statement of the co-accused namely Satpal from whom, the contraband was recovered and even the said accused has already been released on interim regular bail as the FSL report confirming that the recovery, in fact, is of banned drugs, is yet to be received. Learned counsel for the petitioner further submits that though, the petitioner has been also involved in other cases, but in all the cases, the petitioner has been involved on the basis of the disclosure statement of the co-accused and in one case, the petitioner has already been acquitted and in the other cases, the petitioner has been granted the anticipatory bail or the regular bail as the case may be. Learned counsel for the petitioner further submits that statement of the co-accused given before the police authorities carries no weight so as to accept the said allegation and as the petitioner is ready to

join the investigation and cooperate with the same, she may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, 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 counsel for the respondent-State submits that though it is conceded that the recovery has been done from the co-accused, but custodial interrogation of the petitioner is necessary to find out the source of the said drugs, which allegedly has been supplied by the petitioner to co-accused Satpal, from whom, it has been recovered.

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

As of now, only the disclosure statement of the co-accused is against the petitioner and nothing else, which has come on record to corroborate the said statement, has been brought to the notice of this Court. Though, there are other cases against the petitioner but the same are also on the basis of the disclosure statement in which, the petitioner has either been acquitted or has been granted anticipatory/regular bail.

Keeping in view the facts and circumstances of this case, the purpose of investigation will be achieved, in case the petitioner is directed to join the investigation and cooperate with the same.

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.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from SI Kulwant Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and she is not required for further interrogation, at this stage.

In view of the above, the order dated 22.11.2021 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 co-operating, State shall have liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

18.01.2022
 jyoti-II

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No