

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

CRM-M-49673-2021 (O&M)
Date of Decision:- 4.4.2022

Manjit Kaur Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ashok Giri, Advocate, for the petitioner.

Mr. Anmol S. Sandhu, AAG, Punjab,
assisted by SI Atamjit.

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. 135, dated 22.10.2021, Police Station Goraya, District Jalandhar Rural, under Section 15(b) of NDPS Act (Section 29 of NDPS Act added later on).
2. At the time of issuance of notice of motion the following order was passed on 29.11.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.135 dated 22.10.2021 at Police Station Goraya, District Jalandhar Rural under Section 15(b) of Narcotic Drugs & Psychotropic Substances Act, wherein offence under Section 29 of NDPS Act was added later on.

As per the case of prosecution, on 22.10.2021 the police received secret information to the effect that Madan Lal indulges in sale of 'poppy husk'. Pursuant to receipt of said information, Madan Lal was apprehended when he was going on a Aactiva Scooter bearing registration No.PB-08-DQ-2501, while carrying a plastic bag on the rear seat of the scooty. The search of the said bag led to recovery of 25 kilograms of 'poppy husk'. It is further the case of prosecution that subsequently during interrogation said Madan Lal disclosed that he had purchased 60 kilograms of 'poppy husk' from the petitioner Manjit Kaur and he had already sold a part of it and the recovered 'poppy husk' was the balance of the said 60 kilograms.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the alleged disclosure statement would not carry any evidentiary value unless there is cogent and convincing evidence to connect her with the alleged occurrence.

Notice of motion for 4.4.2022.

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 counsel for the petitioner submits that even as per the case of prosecution the petitioner was never ever apprehended at the spot and has been nominated on the basis of a disclosure statement made by Madan Lal from whom a non-commercial quantity of 'Poppy Husk'

i.e. 25 kg of ‘Poppy Husk’ was recovered and who is alleged to have suffered a disclosure statement to the effect that he had purchased 60 kgs of ‘Poppy Husk’ from the petitioner and had already sold a part of it. Learned counsel has further submitted that in any case the petitioner in deference to order dated 29.11.2021 has already joined investigation.

4. On the other hand, learned State counsel while admitting the factum of the petitioner having joined investigation and has informed that the petitioner stands convicted in two other cases under NDPS Act.
5. Having regard to the facts and circumstances of the case particularly that it is one Madan Lal who was found in possession of 25 kgs of ‘Poppy Husk’ which is a non-commercial quantity and the petitioner came to be nominated on the basis of his disclosure statement and in any case has joined investigation, the petition is accepted and interim directions issued by this Court vide order dated 29.11.2021 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.

4.4.2022

Mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No