

208

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-523-2023

Date of Decision: 13.03.2023

Rano

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Naveen Batra, Advocate for
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.301 dated 26.11.2022, under Sections 15, 18, 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Tanda, District Hoshiarpur.

On 13.01.2023 the following order was passed by this Court :-

“Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.301 dated 26.11.2022 registered under Sections 15, 18, 21, 22 and 61 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Tanda, District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case only on mere assumption and without any substance. It is submitted that petitioner is not involved in any NDPS case and even son of petitioner has been implicated in

this false case. It is submitted that a perusal of FIR would show that the same is registered against 27 persons and FIR is registered under different Sections of NDPS despite the fact that such Sections deal with separate contrabands. It is also submitted that another co-accused namely, Ashni Kumar @ Sunny has been granted anticipatory bail by a co-ordinate Bench of this Court in CRM-M-60495-2022. Learned counsel further states that in another case FIR No.302 dated 28.11.2022, the petitioner has already been granted interim bail in CRM-M-60569-2022 (Annexure P-3). He further submits that no recovery whatsoever is alleged to have been made from the petitioner yet the bail application moved by her under Section 438 of the Code of Criminal Procedure Code, for grant of anticipatory bail has wrongly been dismissed by learned Special Court, Hoshiarpur vide its order dated 06.12.2022. Learned counsel further submits that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court or trial Court.

Learned counsel appearing on behalf of the State opposes the petitioner's plea for bail on the ground of seriousness of the offence and he further states that the petitioner is also involved in case FIR No. 302 dated 28.11.2022 under Sections 29 and 61 of NDPS Act, 1985 and Section 304 of IPC lodged in Police Station Tanda, District Hoshiarpur.

However, learned State counsel has not disputed that petitioner has been granted interim bail in the said case FIR No.302 dated 28.11.2022 and even in instant case FIR No.301 dated 26.11.2022 (Annexure P-1),co-accused Ashni Kumar @ Sunny has been granted anticipatory bail.

List on 13.03.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.

Learned State counsel on instructions from ASI Madan Singh has not disputed the aforesaid fact of joining of investigation by the petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 13.01.2023 passed by this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

13.03.2023
Himani

(HARSH BUNGER)
JUDGE

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