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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-3660-2023

Date of Decision:- 04.07.2023

Nachhatar Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Bhupinder K. Bhangu, Advocate for the petitioner.

Mr. Arun Luthra, Deputy Advocate General, Punjab.

...

SUVIR SEHGAL, J. (Oral)

1. On 23.01.2023, this Court passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.255, dated 26.09.2022, under Sections 21/22/29/61/85 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act'), registered at Police Station Sultanpur Lodhi, District Kapurthala.

It has been contended by counsel for the petitioner that petitioner has been implicated in this case on the basis of disclosure statement made by co-accused. She submits that recovery of the alleged contraband, i.e. 10 grams Heroine and

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600 tablets of alprazolam, was from the co-accused and thus, no recovery has been affected from the petitioner. She has submitted that more over recovery of the contraband is noncommercial and thus, provisions of Section 37 of the NDPS Act are not attracted. She further submits that petitioner has no criminal antecedents and hence in view of the aforementioned facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion.

On the asking of the Court, Mr.P.S.Grewal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

List on 02.03.2023.

Let the State file status report on or before the date fixed.

In the meantime, no coercive action be taken against the petitioner till the next date of hearing.”

3. By subsequent order dated 10.03.2023, this Court granted interim protection to the petitioner and directed her to join the investigation.
4. Upon instructions from ASI, Harjinder Pal Singh, State counsel submits that the petitioner has joined the investigation, co-operated with the Investigating Agency and she is no longer required for custodial interrogation.

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5. In view of above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 10.03.2023 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

04.07.2023
Pardeep

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