

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-4548-2023

Date of decision: 24.04.2023

Bhinder Kaur

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Dheeraj Narula, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.9 dated 09.01.2023 under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Kalanwali, District Sirsa.

Vide order dated 30.01.2023, the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that the petitioner was nominated as an accused pursuant to disclosure statement made by one Veerpal Kaur from whom alleged recovery of 10.28 grams of heroin (non-commercial) was effected. Learned counsel submits that the petitioner is not involved in any other criminal case much less under the NDPS Act and he also submits that the evidentiary value of such disclosure statement on the basis of which the petitioner is now being sought to be arrayed as an accused is of a weak nature.”

Learned counsel for the petitioner submits that in compliance of order dated 30.01.2023, the petitioner has joined investigation and cooperated with the investigating agency.

Learned State counsel, on instructions from SI Bharat Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. Learned State counsel also on instructions has not disputed that the petitioner is not involved in any other criminal case much less under the NDPS Act. He, on further instructions, submits that the petitioner is not required for further investigation much less for her custodial interrogation.

In view of the above, the petition is allowed and interim order dated 30.01.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of her bail.

24.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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