

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

244

CRM-M-8117-2023

Date of decision: 07.07.2023

PARAMJEET KAUR

..Petitioner(s)

Versus

STATE OF HARYANA

..Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. KL Saini, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.

HARSIMRAN SINGH SETHI, J (Oral)

The present petition has been filed by the petitioner seeking anticipatory bail in respect of FIR No 396, dated 15.11.2022 under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Safidon, District Jind.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 15.02.2023. Order dated 15.02.2023 is as under:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.396, dated 15.11.2022, under Sections 15 and 29 of the NDPS Act, registered at Police Station Safidon, District Jind (Haryana).

Learned counsel for the petitioner contends that no recovery has been effected from the possession of the petitioner, who has been roped in merely on the basis of disclosure statement made by other co-accused namely Malak Singh @ Malik and Gurvinder Singh @ Jainti. He further asserts that the recovery was effected from the possession of the co-accused persons, which is non-commercial in nature i.e., 5 Kg and 340 Grams of Churapost.

Notice of motion.

On the asking of the Court, Mr. Gagandeep Singh Chhina, AAG, Haryana accepts notice on behalf of the respondent-State, who on the basis of pervi report did not dispute the fact that the recovery is non-commercial in nature and submits that the

petitioner is not entitled to the concession of anticipatory bail since he was involved in another NDPS case bearing FIR No.563, dated 19.09.2020, Police Station Assandh, District Karnal.

Looking into the totality of facts and circumstances and also the fact that no recovery has been effected from the possession of the petitioner and whatever recovered from the co-accused person is non-commercial in nature, therefore, the the petitioner is directed to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on her joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 07.07.2023.”

Learned State counsel, on instructions from ASI Mahipal, states that in terms of the order dated 15.02.2023 of this Court reproduced hereinbefore, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 15.02.2023 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.07.2023

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No