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

CRM-M-10585-2023

Date of Decision: 25.04.2023

Ranjit Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Kaushal Chahal, Advocate for
Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Harjinder S. Sidhu, A.A.G., Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.06, dated 12.01.2023 registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Tapa Mandi, District Barnala.

2. On 01.03.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, in case FIR No.06 dated 12.01.2023, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short `the NDPS Act, 1985), at Police Station Tapa Mandi, District Barnala.

Learned counsel for the petitioner contends that the petitioner is innocent and has falsely been implicated in the present case on the basis of disclosure statement of one Rajinder Kaur @ Raji, from whom, 5 kgs of poppy husk was recovered at the time when ASI Bhola Singh along with other police officials were on patrolling duty in the area of Village Alike and were

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checking the suspected persons on 12.01.2023. Learned counsel further submits that the petitioner has been enroped only because of earlier dispute between the petitioner and her sister-in-law Paramjit Kaur with Rajinder Kaur @ Raji, which was later on settled with the intervention of panchayat and respectables of the Village but still due to grudge, a wrong allegation has been made by said Rajinder Kaur @ Raji, that she had purchased the recovered poppy husk from the present petitioner. He further submits that the petitioner is not named in the FIR nor she was present at the spot and was nominated only under Section 29 of the NDPS Act, 1985, and no private person or any respectable person of the area was joined into the police party as private witness. Learned counsel further submits that nothing is to be recovered from the petitioner; yet, her bail application moved under Section 438 of the Code of Criminal Procedure, before the Court of Additional Sessions Judge, Barnala, has wrongly been dismissed vide order dated 04.02.2023 (Annexure P-2). Learned counsel further submits that the petitioner is not involved in any other case except the present one. Learned counsel also submitted that the petitioner is ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Additional Advocate General, Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and opposes the petitioner's prayer for interim anticipatory bail on the ground of seriousness of offence; however, he seeks an accommodation to get instructions.

List on 25.04.2023.

In the meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, she 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.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioner during course of the day."

3. Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation.
4. Learned State counsel on instructions from SI Gurpal 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.

5. Heard learned counsel for the parties.

6. 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 01.03.2023 passed by this Court is made absolute.

7. 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.

8. 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.

9. 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.

10. The petition is accordingly disposed of.

25.04.2023

Himani

(HARSH BUNGER)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No