

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M 11456 of 2023

Date of Decision: 30.05.2023

Balwinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sarabjeet Singh Cheema, DAG, Punjab.

GURBIR SINGH, J (ORAL)

The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.78, dated 12.06.2022, under Section 22(b), 29 of NDPS Act, registered at Police Station Subhanpur, District Kapurthala.

On 03.03.2023, the following order was passed:-

'The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.78, dated 12.06.2022, under Section 22 (b), 29 of NDPS Act, 1985, registered at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioner submits that 110 tablets are recovered from the co-accused, namely, Joginder Kaur @ Rajji. The FIR is registered under Section 22-B of the NDPS Act showing that recovery is of non commercial quantity. The petitioner is nominated on the basis of disclosure statement made while in custody by the co-accused. Earlier also, she was involved in another case, which was registered against husband of the petitioner and she was nominated on the basis of disclosure statement of her husband. She has nothing to do with the recovery effected in this case.

Notice of motion.

At the asking of the Court, Ms. Himani Arora, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. A copy of the paper book be supplied to her during the course of the day. She seeks some time to file status report in the matter.

List on 30.05.2023.

Meanwhile, in the eventuality of arrest of the petitioner in the instant case, she shall be enlarged on interim bail subject to her furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.'

Status report by way of affidavit of Sukhninder Singh, PPS, Deputy Superintendent of Police, Sub-Division Bholath Kapurthala, on behalf of respondent-State, is filed in Court today. The same is taken on record.

Learned State counsel, on instructions, states that in compliance of order dated 03.03.2023, the petitioner has already joined the investigation and she is not required for any custodial interrogation.

In view of the above, the order dated 03.03.2023 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by all the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

30.05.2023

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