

2023:PHHC:076806

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

CRM-M-14587-2023

Date of Decision: 26.05.2023

PUSHPA RANI

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. R.P.Dhir, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. On 23.03.2023, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.226 dated 27.08.2022 under Sections 22/29 of the Narcotic Drugs and Psychotropic and Substances Act, 1985 registered at Police Station Tanda, District Hoshiarpur.

Briefly, as per the allegations the case has been registered in pursuance of the recovery of 35 gms of intoxicant powder from the possession of the co-accused, namely, Jyoti.

Learned counsel for the petitioner contends that the petitioner has been sought to be nominated on the basis of disclosure statement of the co-accused. It has been further submitted that in CRM-M-55539-2022 titled as Vijay Singh Vs. State of Haryana, the petition under Section 438 Cr.P.C. was dismissed by the Co-ordinate Bench of this Court by placing reliance upon State of Haryana Vs. Samrath Kumar, 2022(3) RCR (CrI.) 991 (Supreme Court). However, in a petition for Special Leave to Appeal (Criminal) No.1266 of 2023 wherein the aforesaid order has been assailed, directions have been

issued that no coercive steps be taken against the petitioner in terms of the order dated 03.02.2023.

Notice of motion.

Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State.

Adjourned to 26.05.2023.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from SI Gurwinder Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioner is not required.

4. Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 23.03.2023, vide which the petitioner had been granted interim bail, is made absolute.

5. Petition is allowed.

26.05.2023
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No