

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

209

CRM-M-17614-2023

Date of decision: 10.05.2023

Seema Rani

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K. S. Brar, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY. J.

1. On 13.04.2023, this Court had passed the following order:-

“The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No. 212 dated 17.10.2022, registered under Sections 21(c), 61 and 85 of the NDPS Act (Section 29 of the NDPS Act added later on) at Police Station City Kotakpura, District Faridkot.

Learned counsel submits that the petitioner was not named in the FIR. Her name has surfaced from the disclosure statement of the co-accused from whom the non-commercial quantity of contraband is alleged to have been recovered. He relies on the judgment of Hon’ble The Supreme Court of India, **Toofan Singh vs. State of Tamil Nadu**, 2021 (1) RCR (Crl.) 1. She is not involved in any other case. He further submits that the petitioner is ready and willing to join the investigation as and when required by the investigating agency.

Notice of motion for 10.05.2023.

At the asking of the Court, Mr. Tanuj Sharma, AAG, Haryana accepts notice on behalf of respondent-State.

Meanwhile, the petitioner is directed to join the investigation on or before 20.04.2023. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated. ”

2. Subsequently, on an application filed in the petition on 26.04.2023,

this Court had passed the following order:-

“Notice in the application.

Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of the respondent-State and has no objection to the prayer made in the application.

For the reasons stated in the application with no objection from the learned State counsel, same is allowed. Applicant-petitioner is directed to join the investigation on or before 03.05.2023.

However, it is clarified that if the applicant-petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, the interim order shall be deemed to have been vacated.”

3. Learned counsel submits that in pursuance of the above orders, the petitioner has not only joined investigation, but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, she shall make herself available without demur.
4. Learned State counsel on instructions from ASI Jagbir Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.
5. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 13.04.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.
6. However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

10.05.2023

Mehak

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