

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

212

CRM-M-24149-2023

Date of decision: 31.08.2023

Kela Devi

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. K.L. Saini, Advocate for the petitioner.

Mr. Baljinder Singh Virk, Sr. DAG, Haryana.

AMAN CHAUDHARY, J.

1. On 13.07.2023, 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.83 dated 30.04.2023, registered under Sections 20(b) of NDPS Act (Section 27-A of NDPS Act added lateron) at Police Station Garhi, District Jind (Haryana).

Learned counsel contends that the name of the petitioner has surfaced based on disclosure statement of co-accused Shakuntla and Pinky from whom non-commercial quantity of contraband has been recovered i.e. (10 kg Ganja). Reliance is placed on the judgment passed by Hon'ble The Supreme Court in the case of Tofan Singh vs. State of Tamil Nadu, 2021 (1) RCR (Crl.) 1. There is one more case against the petitioner involving non-commercial quantity, wherein he is on bail. Further reliance is placed on the judgment of Hon'ble Supreme Court in Vijay Singh vs. State of Haryana, SLP (Crl.) 1266/2023 dated 17.05.2023 wherein the petitioner, who was involved on the basis of disclosure statement, the recovery being 1.7 kg. of Poppy Straw (Doda Post) and involvement in one more case under the NDPS Act, was granted anticipatory bail, which was dismissed by a coordinate of this Court. The petitioner is ready and willing to join investigation as and when required by the investigating agency.

The petitioner is directed to join the investigation on or before 20.07.2023. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance of conditions as 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.

Adjourned to 31.08.2023. ”

2. Learned counsel submits that in pursuance of the aforementioned order, 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.

3. Learned State counsel on instructions from ASI Jasbir Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

4. 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 13.07.2023 granting interim bail to her, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner fails to join and cooperate with the investigating 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

31.08.2023

Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No