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

CRM-M-28542-2023 (O&M)

Date of Decision: 05.07.2023

KULDEEP KAUR

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Meenu, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.68 dated 10.03.2023 registered under Sections 21/22/29 NDPS Act, 1985 at Police Station City Moga, District Moga, who apprehends her arrest at the hands of Police.

The allegations as noticed in the FIR by the ld. Judge, Special Court, Moga in the order dated 08.05.2023 are as under:

“Present FIR was lodged against accused Baljinder Singh @ Bittu son of Jagdev Singh and Amarjit Singh @ Lavi son of Gurbax Singh and 10 grams Heroin and 120 orange colored loose intoxicant tablets while riding on black-silver color Hero Splendor Plus motorcycle bearing No.PB-29/AC6356 had been recovered from them.”

Learned counsel for the petitioner has argued that the alleged contraband (10 grams of heroin and 120 tablets of Etizolam) was recovered from co-accused, namely, Baljinder Singh @ Bittu and Amarjit Singh @ Lavi, who was arrested on the spot and subsequently during interrogation, co-accused Baljinder Singh @ Bittu suffered a disclosure statement,

whereupon the petitioner has been implicated as an accused on the ground that the said contraband was supplied by her. According to the learned counsel, the petitioner is not involved in any other case much less of similar nature and in the given facts, her custodial interrogation may not be necessary. She prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Satnam Singh on the ground that the recovered contraband as per FSL report would fall within the ambit of commercial quantity, however, it is not disputed that the petitioner is not involved in any other case.

Considering the above background and the fact that the contraband has already been recovered, the custodial interrogation of the petitioner in the case may not be necessary. Thus, without meaning any expression of opinion on the merits of the case, the petition is allowed and in the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

05.07.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No