

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-29197-2023

Date of decision: 19.07.2023

Sandeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Piyush Khanna, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.122, dated 08.10.2022, registered under Sections 22/29/61/85 NDPS Act, at Police Station Chabbewal, District Hoshiarpur.

2. On the last date of hearing i.e. 07.06.2023, while noticing the following submissions made by the learned counsel for the petitioner, Coordinate Bench of this Court, had granted the concession of interim bail to the petitioner and asked her to join investigation:-

“It has been contended by learned counsel for the petitioner that neither the petitioner has been named in the FIR, nor any recovery has been effected from her, however, she has been falsely implicated on the basis of disclosure statement of the co-accused, namely, Sonu from whom 102 grams of intoxicating powder containing alprazolam has been recovered. He submits that disclosure statement of the co-accused is not an admissible evidence. He submits that even otherwise the contraband recovered is 102 grams, which is marginally above the commercial quantity, as 100 grams and above falls under the commercial quantity. He submits that in the facts and circumstances, no case for custodial interrogation of is

made out, however, the petitioner is ready to join the investigation.”

3. Learned counsel for the petitioner submits that in compliance of order dated 07.06.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for her custodial interrogation.

5. In view of the above, the petition is allowed and interim order dated 07.06.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

19.07.2023

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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