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

208

CRM-M-29548-2023
Date of decision: 18.09.2023

Amandeep Kaur

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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Present : None for the petitioner
SI Jagjit Singh in person

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AMAN CHAUDHARY. J.

1. The present case involves the recovery of non-commercial quantity of contraband.

2. On 05.06.2023, this Court had passed the following order:-

> "The instant petition under Section 438 Cr.P.C., has been filed for grant of anticipatory bail to the petitioner in FIR No.35, dated 04.05.2023, under Sections 18, 25 of NDPS Act, 1985, registered at Police Station Hathur, District Ludhiana (Annexure P-1).
>
> Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, wherein 1 kg of opium was recovered from father-in-law of the petitioner on whose disclosure statement, firstly husband of the petitioner was implicated and thereafter, the present petitioner has also been nominated as an accused, despite the fact that there is no incriminating material or any direct evidence qua the petitioner is available with the Investigating Agency.
>
> Notice of motion.
>
> On the asking of Court, Mr. Mohit Chaudhary, AAG, Punjab, accepts notice on behalf of respondent-State, who on instructions from SI Jagdish submits that the petitioner is actively involved in the commissioning of offence and is hand

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> in glove with the husband, both are facilitating their father in dealing with the narcotic drugs, though, he could not controvert the fact of 1 kg opium, which is non-commercial in nature.
>
> Looking into the totality of facts and the discussions made hereinabove, this Court is of the firm view that no useful purpose would be served by sending the petitioner behind the bars for uncertain period, wherein bail is a rule and jail is an exception and it would also violate the principle of right to speedy trial and expeditious disposal under Article 21 of Constitution of India, as has been time and again discussed by this Court, while relying the judgment of the Apex Court passed in Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131.
>
> Be that as it may, wherein the petitioner has been arrayed, as an accused on the basis of disclosure statement, who was not named in the FIR initially and no incriminating material including any kind of narcotic drug has been recovered from her possession added with the fact that the recovered contraband is non-commercial in nature, she is directed to be released on interim bail in case she joins the investigation on furnishing personal surety/security bonds to the satisfaction of Arresting Officer/Investigating Officer. The petitioner will also come present as and when called for and cooperate in investigation and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.
>
> Adjourned to 18.09.2023."

3. SI Jagjit Singh submits that the petitioner has joined the investigation on 30.06.2023 and is cooperating with the investigating agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation and is not involved in any other case.

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 05.06.2023 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

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at liberty to move an application for cancellation of the present anticipatory bail granted to her.

(AMAN CHAUDHARY)
JUDGE

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

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