

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

208**CRM-M-30444-2023****Date of decision: 16th August, 2023**

Charno

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P. S. Sekhon, Advocate for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

PANKAJ JAIN, J (Oral)

1. The petitioner has prayed for grant of pre-arrest bail in FIR No.212 dated 17.05.2023, registered under Sections 22 and 29 of NDPS, 1985 at Police Station City Barnala, District Barnala.

2. On 19.06.2023 the following order was passed:-

“Apprehending his arrest in case FIR No. 212 dated 17.5.2023 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station City Barnala, District Barnala, petitioner seeks pre-arrest bail.

Learned counsel for the petitioner, inter alia, contends that there is no certain evidence with the police authorities with respect to the nature of the tablets alleged to have been recovered from co-accused Rajwinder and Kamal. On their disclosure statements, the petitioner has been further nominated.

Mr. Sitta is not in a position to dispute the aforesaid fact and submits that the nature of the salt viz-a-viz tablets recovered from the co-accused is yet to be ascertained. He prays for time to file the status report.

Allowed as prayed for.

Adjourned to 16.8.2023.

In the meantime, in the event of arrest, the petitioner shall be

released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”.

3. Today, learned State counsel, on instructions from IO, has produced FSL report from where it is discernible that the contraband recovered from co-accused Rajwinder Singh and Kapil Sharma @ Kamal falls under non-commercial quantity. He stated that pursuant to the order dated 19.06.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 19.06.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting petitioner an indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

7. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

8. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-

cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

9. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

August 16, 2023
M.Sikka

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

:

Yes / No