

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

CRM M-31408-2023 (O&M)
Date of Decision: 05.09.2023

Sunita

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Gagandeep Singh Chhina, AAG, Haryana.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.113 dated 06.06.2023, under Section 20(b), 27A of NDPS Act, 1985, registered at Police Station Garhi, District Jind (Haryana).

2. Petitioner has been nominated in the present case on the basis of disclosure of co-accused, namely, Renu. Recovery of 5 kg Ganja (non-commercial) was allegedly effected from said Renu.

3. This Court vide order dated 18.07.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that no recovery was effected from the petitioner and moreover, contraband recovered from the main accused, namely, Renu, is stated to be non-commercial in nature.

Learned State counsel seeks time to verify the pendency of other criminal case(s) against the petitioner.

Posted on 05.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on

furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973. ”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she joined investigation and her custodial interrogation is not required by the Police.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Jagjeet Singh, fairly submitted that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 18.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

9. Disposed off accordingly.

05.09.2023

jyoti3

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable: Yes/No