

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(252)

CRM-M-35637 of 2022
DATE OF DECISION:-16.02.2023

Pinki

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S. S. Rana Advocate, for the petitioner.

Mr. Ravinder Singh, AAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.0170 dated 21.07.2022 under Section 21 of the NDPS Act, 1985, registered at Police Station City Rajpura, District Patiala, Punjab.

This Court, while issuing notice of motion on 10.08.2022, passed the following order :

“Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case and she is a lady of the age of 40 years and even as per the prosecution story, there was no recovery of any contraband from the conscious possession of the petitioner and the alleged recovery was from the daughter of the petitioner, who was illegally taken into police custody without following the due procedure. He further submitted that the name of the present petitioner was implicated only because earlier in one case she was falsely implicated and this Court had taken a serious view in that case and she was enlarged on bail in CRM-M-48764-2021 on 16.05.2022. He also submitted that even otherwise also the alleged confiscated quantity recovered from the co-accused does not fall in the category of commercial quantity.

Notice of motion.

Mr. R.S. Thind, DAG, Punjab accepts notice on behalf of the respondent/State.

Adjourned to 14.02.2023.

Meanwhile, the petitioner is directed to join the investigation and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/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 the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner states that in pursuance of order dated 10.08.2022 passed by this Court, the petitioner has already joined investigation.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Darshan Lal, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 10.08.2022 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

16.02.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No