

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40442-2022
Date of Decision:-13.02.2023

ROZI KAUR

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

-.-

Present:- Mr. Yashpal Thakur, Advocate
for the petitioner.

Mr. Chaman Lal Pawar, Addl. A.G. Punjab.

-.-

KARAMJIT SINGH, J. (Oral)

Prayer is for grant of anticipatory bail in case having FIR
No.300 dated 4.7.2022 registered under Sections 21, 22, 29 of NDPS Act at
Police Station City Barnala District Barnala, Punjab.

Allegations in brief are that the police recovered commercial
quantity of contraband (260 grams of intoxicant powder) and 100 loose
tablets from Golo Kaur on 4.7.2022 and she made disclosure statement
against the present petitioner and accordingly the present petitioner is
nominated as accused.

The counsel for the petitioner submits that the petitioner was not named in the FIR and was later on impleaded as accused on the basis of the disclosure statement made by Golo Kaur and the relevance of the said disclosure statement will be tested during trial. The counsel for the petitioner further submits that the petitioner be allowed to join investigation with the police.

The present petition is contested by the State, who submits that the commercial quantity of the contraband was recovered by co-accused Golo Kaur. The State counsel further submits that the petitioner is not entitled to get benefit of anticipatory bail as per the provision of Section 37 of the NDPS Act.

I have considered the submissions made by counsel for the parties.

As has been submitted by the State counsel, commercial quantity of contraband was recovered from co-accused Golo Kaur and as such, rigors of Section 37 of the NDPS Act are applicable in the instant case. Further, the petitioner cannot take advantage of the decision in **Tofan Singh vs. State of Tamil Naidu (2021)4 SCC(1)**, while seeking concession of anticipatory bail perhaps she can take advantage of the ratio laid down in Tofan Singh's case (supra) at the time of seeking regular bail or at the time of final hearing after conclusion of trial as has been held by Hon'ble Supreme Court in **Criminal Appeal No.1005 of 2022**, decided on **20.07.2022, State of Haryana Vs. Samarth Kumar**.

In the light of the above, this Court is of the view that custodial interrogation of the petitioner is required for the proper and effective investigation of the case.

Accordingly, the present petition is hereby dismissed being devoid of merits. However, any observations made hereinabove are not to be construed as opinion on the merits of the case.

(KARAMJIT SINGH)
JUDGE

13.02.2023
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No