

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-43217-2023
Date of decision: 16.11.2023

SangeetaPetitioner.

Versus

State of HaryanaRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Manjot S. Gujral, Advocate,
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
214	19.07.2023	Section 21 of the NDPS Act	P.S. Sector 14, Panchkula, Haryana.

2. Learned counsel for the petitioner submits that in compliance to the order dated 20.09.2023, the petitioner has joined the investigation.
3. Status report dated 14.11.2023 filed in the form of an affidavit of ACP Zone-II, Panchkula, on behalf of respondent, is taken on record. Learned State counsel, on instructions from ASI Sukhjant Singh, intimates the Court that the petitioner has joined the investigation. However, it is

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pointed out by the Investigating Officer that she has not given suasive answers and has referred to her investigation dated 09.10.2023 (Annexure R-2), annexed with the status report. It is also admitted that there is no other case registered against the petitioner under the NDPS Act. During the course of hearing on 20.09.2023, following order was passed: -

“By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
214	19.07.2023	Section 21 of the NDPS Act	P.S. Sector 14, Panchkula, Haryana.

2. Learned counsel for the petitioner, inter alia, contends that the petitioner is innocent and has been falsely implicated in this case on the basis of the alleged disclosure statement of the co-accused, namely Kuldeep, from whom recovery of *6.38 miligrams heroin* was effected. He further submits that the petitioner has no concern what-so-ever with the said recovery and even there is no other *NDPS* case registered against the petitioner till date.
3. It is further submitted by learned counsel for the petitioner that the petitioner was involved in a case under the Punjab Excise Act in 2015 wherein she was acquitted vide order dated 02.06.2022 (Annexure P-2) passed by learned Additional Chief Judicial Magistrate, Chandigarh.
4. Notice of motion.
5. On the asking of the Court, Ms. Gaganpreet Kaur, DAG, Haryana, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.
6. Adjourned to 04.10.2023.
7. Needful be done well before the date fixed with an advance copy to the counsel opposite.
8. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of her arrest,

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she shall be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

4. Keeping in view the above submissions made by learned State counsel; the fact that the petitioner had joined the investigation consequent to the order dated 20.09.2023 passed by this Court and there is no other case pending against the petitioner under the NDPS Act, interim bail granted vide order dated 20.09.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

5. The petition stands allowed.

6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

16.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |