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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-.-

CRM M – 45938-2023
Date of decision: 14.09.2023

Jaswinder Kaur alias Kali Kaur*Petitioner*
Versus
State of Punjab*Respondent*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Satnam Singh Gill, Advocate
for the petitioner
-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No.50 dated 14.06.2023, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Chhajali, District Sangrur (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against her. Even as per the story of the prosecution, the name of the petitioner has surfaced only on the basis of disclosure statement of the alleged co-accused from whom 12 grams heroin is alleged to have been recovered. However, except the false disclosure of the co-accused, there is no material found by the police, connecting the petitioner to the alleged crime. There is no other case pending against the petitioner. The petitioner shall join the investigation as and when called by the police.

Therefore, the petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent - State.

Counsel for the State being instructed by ASI Harmesh Singh has submitted that in the present case, the FIR was registered on the basis of secret information received by the police to the effect that the petitioner was selling drugs in retail and co-accused, namely, Manjit Singh alias Gosi had purchased heroin from her. On this information, a raid was conducted and the contraband material was recovered from the co-accused. The police need custodial interrogation of the petitioner to find out the true dimensions of her involvement in the crime. However, it is not disputed that there is no other case against the petitioner, and that, at least, at this stage, except the disclosure statement of the co-accused, nothing else has surfaced to connect the petitioner to the crime.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

14.09.2023

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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No