

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Neutral Citation No. 2023:PHHC:152173
CRM-M-46384-2023
Date of Decision: November 30, 2023

Manjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arnav Sood, Advocate for the petitioner.

Mr. R.S. Khaira, DAG, Punjab.

DEEPAK GUPTA, J.(Oral)

On 15.09.2023, the following order was passed by this

Court:-

“By way of this petition filed under Section 438 Cr.P.C., petitioner has prayed for grant of anticipatory bail in case FIR No.0173 dated 05.08.2023 registered under Sections 21, 22, 29-61-85 of NDPS Act at Police Station Mahilpur, District Hoshiarpur.

Allegations are that 28 injections (2/2 ml each) of Buprenorphine IP 0.3 mg/ml and 100 gram of heroin was recovered from the possession of co-accused Paramjit Singh on 05.08.2023. Said Paramjit Singh in his disclosure statement nominated the petitioner to be the supplier and that the same was to be handed over to one Jyoti.

It is contended by learned counsel that petitioner has been falsely implicated; that no recovery was effected from the petitioner and that she was not present at the spot. Though learned counsel has given details of the three cases in which petitioner is already involved pertaining to NDPS Act, but submits that petitioner is already on bail in these cases.

*Learned counsel has also referred to **Vijay Singh Vs. The State of Haryana – Special Leave to Appeal (Crl.) No.1266/2023**, wherein Hon'ble Supreme Court granted anticipatory bail in similar circumstances despite the fact that petitioner in that case was also involved in other cases under NDPS Act.*

Order dated 17.05.2023 passed by Hon'ble Supreme Court in Vijay Singh's case (supra), reads as under:-

"The petitioner is alleged to have committed offences Sections 15 and 29 of the Narcotic Drugs and 1985 (hereinafter called the under Psychotropic Substances Act, NDPS Act". His application for anticipatory bail was rejected by the High Court. The allegations in the FIR are Chat 1.7 Kg of Poppy Straw (Doda Post) was recovered from the co-accused. The petitioner concededly was not present at the spot but was named by the co-accused. That apart there is no other material to implicate the petitioner. The prosecution urges that another case with allegations of commission of offence under NDPS Act are pending against the petitioner. It is not denied that in those proceedings he was granted bail.

Having regard to these circumstances, the petitioner is directed to the enlarged on anticipatory bail, subject to such terms and conditions as the trial Court may impose.

The petition is allowed."

Notice of motion.

Mr. R.S. Khaira, DAG, Punjab, accepts notice on behalf of the respondent- State. Copy of the petition be supplied to him during course of the day.

Adjourned to 30.11.2023 for filing status report.

In the meantime, in case of her arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. She shall not contact any person associated with the case to dissuade her from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. She shall further comply with the conditions stipulated in Section 438(2) Cr.P.C."

Today, on instructions from ASI Gurnek Singh, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 15.09.2203 and is no longer required for further investigation.

In view of the aforesaid, the order dated 15.09.2023, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, she shall continue to join investigation, if and so required by the Investigating Officer.

Disposed of.

November 30, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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