

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

CRM-M No.46387 of 2023 (O&M)
DATE OF DECISION: 15th SEPTEMBER, 2023

Sher Kaur

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Parminder Singh Sekhon, Advocate,
for the petitioner.

* * * *

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed by the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.64 dated 26.06.2023 registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station City Samana, District Patiala.

2. It is submitted by learned counsel for the petitioner that the case against the petitioner is totally concocted and fabricated. The petitioner is not involved in the crime at all. The name of the petitioner has been added in this case only because the petitioner has been involved in similar cases. Even as per the story of the prosecution, the name of the petitioner has surfaced in the present case only on the alleged disclosure statement of the co-accused. However, except the said disclosure statement of the co-accused, the police have not found any other material to connect the petitioner to the alleged crime despite the fact that the co-

accused, who is stated to have disclosed the name of the petitioner in her disclosure statement, had been in custody of the police and she had been interrogated by them thoroughly. The petitioner is ready to join the investigation as and when called by the police. Therefore, the petitioner deserves to be protected against her arrest.

3. Notice of motion.

4. Mr. Sandeep, Additional Advocate General, Punjab, accepts notice on behalf of the State.

5. Learned State Counsel, being instructed by SI Ajit Kaur, has submitted that on secret information, a raid was conducted and 20 grams of heroin was recovered from the co-accused, namely, Usha Rani. That Usha Rani is none other than the daughter-in-law of the present petitioner. Therefore, the petitioner is directly involved in the case. The petitioner is habitual of the criminal activities and she had been involved in as many as six cases, including some other cases under the NDPS Act itself. Out of those cases, in some, she has even been convicted. However, learned counsel for the State is not able to point out any other material collected by the police in the present case so far, to connect the petitioner to the crime as alleged against the petitioner, except the disclosure statement of the co-accused.

6. In view of the above, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of her arrest, the petitioner shall be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of Arresting/Investigating Officer. However, it is further directed that 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.

15th SEPTEMBER, 2023
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>