

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-51655-2022

Date of Decision: 17.05.2023

**SUKHWINDER KAUR
VS**

..... PETITIONER

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Kaushal Chahal, Advocate for
Mr. P.S.Sekhon, Advocate for the petitioner.

Ms. Himani Arora, AAG, Punjab.

GURBIR SINGH, J. (ORAL)

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The prayer in the present petition filed under Section 438 Cr.P.C is for grant of anticipatory bail to the petitioner in case FIR No.226, dated 24.09.2022 under Sections 22 and 29 of NDPS registered at Police Station Sadar Samana, District Patiala.

Vide order dated 11.11.2022 the following order was passed by this Court:-

“Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 43 years and she has been nominated on the basis of disclosure statement of the co-accused. He further submitted that the petitioner has got clean antecedents and she is not involved in any other case and it was because of rivalry in the village, she has been falsely implicated in the present case. He also submitted that even otherwise also the alleged recovery from the co-accused was 450 tablets of Tramadol, which does not fall in the category of commercial quantity, and therefore, bar contained under Section 37 of the NDPS will not apply in the present case and so far as the present petitioner is concerned, the role attributed to her is for abetment under Section 29 of the NDPS Act.

Notice of motion.

Mr. Amit Rana, Sr. DAG, Punjab accepts notice on behalf of the respondent/State and submits on instructions from ASI Chanan Ram that it is correct that the petitioner is not involved in any other case and the alleged recovered quantity does not fall in the category of commercial quantity. He prays for some time to file an affidavit in the present case.

Let the State file an affidavit before the next date of hearing with an advance copy to the learned counsel of the petitioner.

Adjourned to 21.03.2023.

Meanwhile, the petitioner is directed to join the investigation and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to 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 ”

Learned State counsel, on instructions from ASI Amritpal Singh (1682) Patiala submits that in compliance of the order dated 11.11.2022, the petitioner has already joined the investigation and she is not required for any custodial interrogation.

In view of above, the order dated 11.11.2022 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

17.05.2023
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>