

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

CRM-M-49759-2023

Date of Decision: 31.10.2023

Anju Bala

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Paramjit Singh Sullar, Advocate, for the petitioner.

Mr. Sanish Girdhar, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to her in case FIR No.260 dated 24.08.2023, registered under Sections 18, 29 of NDPS Act, at Police Station Special Task Force, District Patiala.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been falsely involved in the present case on the basis of the disclosure statement suffered by her husband Pardeep Kumar. Learned counsel further contends that the petitioner was having strained relations with her husband and was living separately with her minor children at her parental home, which is 5 kms away from her husband's home. He further contends that the petitioner is the first offender and has two minor children and there is no one to take care of them. Learned counsel further contends that even otherwise, Pardeep Kumar, her husband and other co-accused, namely, Sahil Bhadwar, Keshav Sharma and Buta Sharma @ Buta have already been granted

the concession of regular bail by the Special Court at Patiala. Learned counsel further contends that the petitioner is ready to join the investigation in the present case.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that the drug money and half kg opium is yet to be recovered from the present petitioner and her custodial interrogation is required.

4. I have heard learned counsel for the parties and perused the record.

5. It is apparent that at this stage, except the disclosure statement suffered by co-accused, there is no evidence against the present petitioner. Moreover, she is the first offender and all other co-accused, namely, Pardeep Kumar, her husband, Sahil Bhadwar, Keshav Sharma and Buta Sharma @ Buta have already been granted the concession of regular bail by the Special Court at Patiala.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

(N.S.SHEKHAWAT)
JUDGE

31.10.2023

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