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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM M – 50350-2023
Date of decision: 06.10.2023*Harmander Kaur alias Rimpi*
Versus
*State of Punjab**.....Petitioner**.....Respondent***Coram: Hon'ble Mr. Justice Rajbir Sehrawat**Present: Mr. R P Dhir, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

1) 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. 42 dated 03.03.2023, registered under Sections 21/29/61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Mahilpur, District Hoshiarpur.

2) 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 in the disclosure statement of the co-accused, namely, Jaspal Singh from whom 76 grams herion is alleged to have been recovered. However, the said alleged disclosure statement had already been recorded on 03.03.2023. Thereafter, the petitioner had been in the custody of the police of the same Police Station in another FIR No. 114 dated 27.05.2023. At that time, the petitioner was not arrested in the present case. This itself shows that the Police are inherently convinced that the present case against the petitioner is totally false and wrong. The petitioner

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

- 3) Notice of motion.
- 4) Mr. Sandeep Singh, Additional Advocate General, Punjab accepts notice on behalf of the respondent - State.
- 5) Counsel for the State, being instructed by ASI Balbir Singh has submitted that the petitioner is a habitual offender. She is having three more cases, out of which, two are under the NDPS Act. In the present case also, the co-accused from whom 76 grams heroin has been recovered, has categorically named the petitioner as supplier of the contraband material. Therefore, the police require the custodial interrogation of the petitioner to unearth the extent of criminal activities of the petitioner qua the present FIR. However, it is not disputed that after the disclosure statement of the co-accused recorded in the present FIR, the petitioner had been in the police custody in another FIR, and at that time, though the police had the opportunity to interrogate the petitioner qua the present FIR too, however, the police had chosen not to arrest the petitioner in that case.
- 6) 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

October 06, 2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No