

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.52226 of 2022
Date of decision: 28th July, 2023

Tanuja @ Tannu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S. Dadwal, Advocate for the petitioner.

Mr. H.S. Sitta, Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.0254 dated 11.10.2022 under Sections 21, 21-C of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Special Task Force, STF Wing, Mohali.

2. On 22.12.2022, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked her to join investigation.

“Counsel for the petitioner has argued that as per the allegations in the FIR, on 11.10.2022, the police party headed by SI Makhan Ram, was on a petrol duty when ASI Munish Riat received a secret information that the co-

accused Palwinder Singh @ Pinder Brar is habitual of selling Heroin and has brought Heroin in a Swift car and has parked the same in his rented accommodation and thereafter, by taking a scooter, he is coming towards the side of bus-stand. Thereafter, a barrier was laid down and Palwinder Singh @ Pinder Brar was apprehended and recovery of 2.930 Kgs of Heroin was effected. During the investigation, Palwinder Singh @ Pinder Brar has recorded a statement that he and his fiancé Anshu Bala used to take the contraband from Amandeep Jethi and his wife Tanu @ Taneja i.e. the present petitioner, who are residents of Ludhiana.

Counsel for the petitioner has further submitted that the petitioner is a lady aged about 27 years, having no criminal antecedents. It is also submitted that the husband of the petitioner was General Secretary of Congress Party at Ludhiana since 2020 and on account of his political affiliation, both the petitioner and her husband have been falsely implicated in the case. It is further contended that even as per the FIR, the mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with even with regard to the co-accused Palwinder Singh @ Pinder Brar.

*Counsel for the petitioner has relied upon the judgment “**Tofan Singh vs State of Tamil Nadu**”, 2013(4) **RCR (Criminal) 631**, to submit that it will be a debatable issue whether the disclosure statement made by the co-accused will be admissible against the petitioner or not.”*

3. Learned counsel for the petitioner submits that in compliance of the order dated 22.12.2022, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from SI Makhan Singh, does not dispute the factum of the petitioner having joined investigation, however, he submits that she has not cooperated with the investigating agency inasmuch as she has refused to reveal the source from where the contraband recovered was procured.

5. On a pointed query put to the learned State counsel qua the antecedents of the petitioner, he on instructions has informed the Court that she has clean antecedents and is not involved in any other criminal case, much less under the NDPS Act.

6. In the circumstances, the petition is allowed and the interim order dated 22.12.2022 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the bail granted to her.

(MANJARI NEHRU KAUL)
JUDGE

July 28, 2023
rps

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