

206 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-54951-2022
Date of Decision: 28.02.2023

Leela Devi

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Vikram Rana, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

HARSH BUNGER J. (ORAL)

The present petition under Section 438 of the Code of Criminal Procedure is filed seeking grant of anticipatory bail to the petitioner in case FIR No.890 dated 03.10.2022, under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Shahabad, District Kurukshetra (Haryana).

On 29.11.2022, the following order was passed by this Court :-

“Prayer in this petition filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner in case FIR No.890 dated 03.10.2022 (Annexure P-1), under Sections 18 and 29 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for brevity, 'the Act'), registered at Police Station Shahabad, District Kurukshetra (Haryana).

Learned counsel for the petitioner submits that the petitioner is a lady of around 69 years of age and has falsely been implicated in the present case. It is further submitted

that the petitioner was not apprehended at the spot and nothing has been recovered from her. It is further submitted that name of the petitioner has surfaced only in a disclosure statement of co-accused, namely Kuldeep Singh @ Deepa, and veracity of the same would be tested at the time of trial. It is also submitted that even the recovery from the said co-accused is of 100 grams of Opium, which is a non-commercial quantity, and accordingly rigours of Section 37 of the Act are not attracted. So far as another case, i.e. FIR No.265 dated 06.03.2022, under Section 18 of the Act, registered at Police Station Shahabad is concerned, it is submitted that the petitioner has already been admitted to bail in the said case vide order dated 04.04.2022 (Annexure P-3), passed by the learned Additional Sessions Judge, Kurukshetra. Reference is also made to the 1st proviso to sub Section 1 of Section 437 Cr.P.C.. It is also contended by learned counsel that the petitioner is ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, DAG, Haryana, who is present in the Court, accepts notice on behalf of the respondent/State.

Learned counsel for the petitioner is directed to hand over a complete set of paper book of this case to learned State counsel during the course of the day.

List on 05.01.2023.

In the meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, she shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submits that pursuant to the

aforesaid order, petitioner has joined the investigation.

Learned State counsel, on instructions from Assistant Sub Inspector Satish Kumar, has not disputed the aforesaid fact of joining the investigation by petitioner and submits that her custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and her custodial interrogation is not required at this stage, order dated 29.11.2022, passed by this Court, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

It is made clear that if the petitioner fails to comply with any of the directions issued above and the bail conditions, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Present petition is accordingly disposed of.

28.02.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No