

218(2) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-101-2024 (O&M)
Date of Decision: 05.03.2024

Jasvir Kaur Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

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

Mr. Neeraj Madaan, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.140 dated 27.10.2023 registered under Section 15 & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Amargarh, Tehsil and District Malerkotla.

2. Allegations in brief are that on 27.10.2023, co-accused Lala Singh was apprehended with 52 kgs of poppy husk in his possession, without any permit or licence. Petitioner is alleged to be the prospective purchaser of said contraband.

3. Learned counsel contends that petitioner is not named in the FIR. Also contends that she has been nominated in the present FIR on the basis of disclosure made by co-accused Lala Singh. Further contends that in pursuance of the interim order dated 29.01.2024, she has joined investigation and her custodial interrogation is not required by the Police.

4. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

5. Heard learned counsel for the parties and perused the paper-book.

6. This Court vide order dated 29.01.2024, granted interim bail to petitioner and the same reads as under:-

“Status report dated 23.01.2024 by way of affidavit of Jatin Bansal, PPS, Deputy Superintendent of Police, Sub-Division Amargarh, District Malerkotla, on behalf of the respondent, filed by learned State counsel, is taken on record. Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

Learned State counsel, on instructions, acknowledged that except disclosure made by co-accused, there is no other material regarding the complicity of petitioner; however, he seeks more time to have further instructions in the matter.

Posted for 05.03.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of her arrest, the Arresting Officer would admit her to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

To be heard along with CRM-M-61314-2023.”

In pursuance of the above order, petitioner joined investigation and as per learned State counsel, her custodial interrogation is not required.

In view of the above, interim order dated dated 29.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

- 7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- 8. The above observations be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.
- 9. Disposed off accordingly.
- 10. Pending criminal misc. application(s), if any, shall also stand disposed off.

05.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No