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

**CRM-M-2749-2024 (O&M)
Date of decision : 23.04.2024**

Salma ...Petitioner(s)

Versus

State of Punjab ...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kanwaljeet Singh Brar, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.245 dated 25.12.2023, under Sections 21(a) & 27 (Section 29 added subsequently) of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, 'the NDPS Act'), registered at Police Station City Kotkapura, District Faridkot.

2. Allegations are that 4.5 gram of Heroin was recovered from co-accused of petitioner, namely, Nirbhai Singh @ Nikka.

3. Status report filed by way of affidavit dated 22.02.2024 of Mr. Jatinder Singh, PPS, Deputy Superintendent of Police, Sub Division Kotkapura, is taken on record. Copy thereof supplied to the other side.

Registry to do the needful.

4. Contends that this Court, granted interim bail to petitioner on 19.01.2024 and in terms thereof, he has already joined the investigation and her custodial interrogation is not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

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

7. It is an admitted position that petitioner was granted interim bail by this Court on 19.01.2024 and relevant part of the same is recapitulated as under:-

“Contends, inter alia, that petitioner has been nominated as an accused on the basis of disclosure, made by co-accused, namely, Nirbhai Singh @ Nikka, from whom, recovery of alleged contraband i.e. 4.5 gram of Heroin was effected.

Notice of motion.

On asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of the respondent and seeks time to have instructions and/or file written response in the matter.

Posted for 29.02.2024.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as

envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

8. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined the investigation and her custodial interrogation is not required at this stage.

9. In view of above, interim order dated 19.01.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

10. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

11. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

12. Disposed off accordingly.

13. Pending application(s), if any, shall also stand disposed off.

23.04.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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