

CRM-M-3494-2024

CRM-M-3494-2024 (O&M)
Date of Decision: 26.02.2024

RANDEEP KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, the petitioner is seeking anticipatory bail in case FIR No. 57 dated 29.07.2023 registered under Sections 21 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Kiratpur Sahib, District Rupnagar.
2. On 23.01.2024, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as CR.P.C) for grant of anticipatory bail to the petitioner in FIR No.57 dated 29.07.2023 registered under Section 21 of the NDPS Act, 1985 (Section 29 of the NDPS Act added later on) at Police Station Kiratpur Sahib, District Rupnagar.

Learned counsel for the petitioner, inter alia, contends that the petitioner gave birth to a premature baby girl on 13.07.2023 as discernible from the medical record and the girl child is solely fed on mother's milk. Moreover, the petitioner is not named in the FIR and she has been involved in the present case only on the basis of disclosure statement made by the co accused, while in police custody, which has no evidentiary value in the eyes of law. There is

nothing on record to indicate that the petitioner was in conscious possession of the alleged contraband.

Notice of motion.

*On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent State and opposes the prayer for grant of anticipatory bail to the petitioner. In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 30.01.2024 and on her doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 26.02.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from SI Keval Singh, submits that in compliance of order dated 23.01.2024 passed by this Court, the petitioner has joined the investigation and is not required for further

custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 23.01.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

26.02.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No