

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-5028-2024
Date of decision: 22.02.2024

Shakuntala.....Petitioner.

Versus

State of Punjab....Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Nisha Rana, Advocate,
for Mr. Vikramjit Singh, Advocate,
for the petitioner.

Mr. Daksh Prem Azad, AAG, Punjab.

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SANJIV BERRY, J. (ORAL)

1. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
49	16.08.2023	21(a), 21, 29 and 27-A of the NDPS Act	Dorangla, District Gurdaspur

2. Learned counsel for the petitioner submits that in compliance to the order dated 01.02.2024, the petitioner has joined the investigation.

3. During the course of hearing on 01.02.2024, following order had been passed: -

'2. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She contends that the petitioner is not named in the FIR but has been nominated on the basis of alleged disclosure statement made by the co-accused, namely Charanjit Singh @ Kala, who was apprehended by the police and recovery of 06 grams of heroin was effected from him. She further contends that the petitioner is 62 years old and is ready to join the investigation.

3. Notice of motion.

4. On the asking of the Court, Mr. Sarabjit Singh Cheema, DAG, Punjab, present in Court, accepts notice on behalf of the State-respondent and prays for time to file the status report/reply in the matter.

5. Adjourned to 22.02.2024.

6. Needful be done well before the date fixed with an advance copy to the counsel opposite.

7. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.'

4. Learned State counsel informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 01.02.2024 passed by this Court, interim bail granted vide order dated 01.02.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

6. The petition stands allowed.

7. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

22.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |