

CRM-M-8671-2024 (O&M)
Date of Decision: 18.03.2024

...Petitioner

V/S

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Chopra Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, petitioner is seeking anticipatory bail in case FIR No. 140 dated 06.12.2023 registered under Sections 22 of NDPS Act at Police Station Batala, District Gurdaspur.
2. On 19.02.2024, following order was passed:

“In view of the resolution passed by High Court Bar Association, there is no representation on behalf of the petitioner.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 0140 dated 06.12.2023 registered under Section 22 of the NDPS Act at Police Station Batala, District Gurdaspur.

However, perusal of the pleadings indicate that the petitioner is a household lady and she is nominated as an accused in the present FIR only on the basis of disclosure statement made by the co-accused, from whose possession the alleged contraband was recovery. No recovery has been made from the petitioner and as per para No. 18 of the petition, the petitioner is not involved in any other case.

Notice of motion for 18.03.2024.

*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; Arnesh Kumar Vs. State of Bihar (2014) 8***

SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 29.02.2024 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 her to join the investigation, in terms of the order of this Court.

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 Ashwani Kumar, submits that in compliance of order dated 19.02.2024 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 19.02.2024, 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.

18.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

AJAY GOSWAMI
2024.03.18 16:57
I attest to the accuracy and
authenticity of this order/judgment