

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-15453-2024

Date of Decision: 08.04.2024

Asha Rani ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

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

Mr. Vinay Kumar Malhotra, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
16	08.02.2024	Haibowal, District Ludhiana	21 & 29 of the NDPS Act

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of
aforementioned FIR.
2. As per the case of prosecution, one Rajji was apprehended by the police
while in possession of 250 grams of ‘heroin’. It is further the case of
prosecution that during the course of interrogation, she disclosed the
name of her sister, namely, Rakhi and also of her daughter-in-law,
namely, Asha Rani i.e. the petitioner, to be associated with her. Rakhi
was apprehended by the police and from whose possession 5 grams of
‘heroin’ was recovered.
3. Learned counsel for the petitioner submits that she has falsely been
implicated in the present case and that it is highly unlikely that Rajji
would have named her own real sister or her own daughter-in-law as co-

accused. It has further been submitted that apart from the alleged disclosure statement, there is no evidence to connect the petitioner with the alleged offence and as such, the petitioner deserves the concession of anticipatory bail.

4. Opposing the petition, learned State counsel submits that the petitioner, who already stands involved in two other cases, does not deserve the concession of anticipatory bail.
5. A perusal of Annexure P-3 i.e. order dated 19.01.2024 passed by the Special Court, Ludhiana would show that the petitioner already stands discharged in one of those other two cases i.e. FIR No.61 dated 16.03.2023 registered at Police Station Ladhowal, Ludhiana, under Sections 21 & 29 of the NDPS Act, whereas the other case i.e. FIR No.185 of 2023 registered at Police Station Haibowal, Ludhiana, under Section 21 of the NDPS Act was a case wherein again the recovery was not effected from the petitioner, but from co-accused, namely, Harsh @ Love.
6. Having regard to the facts and circumstances of the case particularly the fact that the petitioner came to be nominated on the basis of a disclosure statement and no recovery whatsoever was ever effected from her and she was never found near the place from where co-accused were apprehended, the petition merits acceptance and is hereby accepted. The petitioner, in the event of arrest, is ordered to be released on bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the

investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

08.04.2024

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No