

-1-



them was checked and three grams of some intoxicating substance was found hidden and stitched in a yellow coloured bedsheet so brought by the petitioner and co-accused. This intoxicating substance was found to be heroin, on being checked. FIR was registered against the petitioner and co-accused. The investigation is under way. The petitioner had moved an application for grant of pre-arrest bail, which was dismissed by learned Special Court, Bathinda vide order dated 26.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated in this case at the behest of senior police officials, who are having enmity with her husband as she is the only person defending the interest of her husband and that she has been implicated in this case to deprive her husband to defend himself. She was neither apprehended at the spot nor it is the case of prosecution that she had fled away from the spot. Even the alleged recovery was not effected in her presence. A false recovery has been planted because when the articles which she had taken for her husband were handed over to the jail authorities, the same were duly checked before being sent inside the jail and nothing was found therein. She is ready to join investigation. Her custodial interrogation is not required. She had nothing to do with the co-accused Gurtej Singh nor she had gone with him to the jail premises on the fateful day. With these broad submissions, it is argued that the petition deserves to be allowed.

4. I have heard learned counsel for the petitioner at considerable length.



5. The petitioner alongwith co-accused Gurtej Singh is alleged to have gone to meet her husband who was lodged in Central Jail, Bathinda on 08.04.2024 and handed over some clothing to him. As per the allegations, on checking a bed sheet brought by the petitioner, three gram of heroin was recovered from the same. No recovery is to be effected from the petitioner. It is a debatable question as to why the clothing allegedly given by the petitioner to jail authorities was checked after she had left the jail premises. In my considered opinion, her custodial interrogation is not required. Accordingly, this petition is allowed, subject to the condition that the petitioner shall appear before the Investigating Officer within one week and the investigating officer shall join her into the investigation on that day and on any other date whenever required subsequently. It is further ordered that in the event of her arrest, the petitioner shall be admitted to bail on her furnishing personal/surety bonds to the satisfaction of the Investigating/Arresting Officer and shall also comply with the usual terms and conditions laid down under Section 438(2) of Code of Criminal Procedure. If she fails to appear within stipulated time, this petition shall be deemed to be dismissed.

6. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

[MANISHA BATRA]
JUDGE

8th July, 2024
Parveen Sharma

1. Whether speaking/ reasoned
- :
- Yes / No
2. Whether reportable
- :
- Yes / No