

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

CRM-M-38021-2023

Date of decision: 15.01.2024

Poonam Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Naveen Bawa, Advocate
for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0033 dated 26.04.2023 under Sections 21(B), 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Daresi, District Ludhiana.

2. On 04.08.2023, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked her to join investigation:-

“Learned counsel for the petitioner submits that the petitioner has been nominated as an accused on the basis of a disclosure statement allegedly suffered by her son i.e. co-accused Abhishek Bhatti, from whom an alleged recovery of 125 grams of heroin (non-commercial quantity) was effected, wherein he stated that he along with his mother had been selling heroin. Learned counsel submits that the disclosure statement on the basis of which the petitioner has been nominated as an accused does not have much evidentiary value and still further her false implication in the case in hand needs to be appreciated in

the light of she not having any criminal antecedents much less being involved in a case under the NDPS Act. He further submits that the petitioner is ready to join investigation and cooperate with the investigating agency.”

3. Learned counsel for the petitioner submits that in compliance of order dated 04.08.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions from ASI Harpal Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that the petitioner is not required for further investigation much less for her custodial interrogation.

5. On a pointed query put to the learned State counsel as to whether the petitioner has any criminal antecedents, he on instructions, has replied in the negative.

6. In view of the above, the petition is allowed and interim order dated 04.08.2023, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

15.01.2024

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(MANJARI NEHRU KAUL)
JUDGE

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