

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48599-2023(O&M)
Date of decision: 15.02.2024

Baljeet Kaur
...Petitioner
Versus
State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. K.B.S. Mann, Advocate for the petitioner.
Mr. Neeraj Madaan, Sr. DAG., Punjab.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.131 dated 19.08.2023, under Sections 21 and 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the Act’), registered at Police Station, Dialpura, District Bathinda.

- (2) Allegations are that petitioner along with co-accused was found in conscious possession of 50 grams intoxicant substance and 3.50 grams heroin.
- (3) This Court on 09.10.2023, granted interim bail to the petitioner and which reads as under:-

“ Learned counsel for the petitioner has submitted that the petitioner is a lady of the age of 44 years and the allegations are that the petitioner along with her family members are indulging in business of intoxicant tablets and so far as the present petitioner is concerned, no recovery has been effected from her and some recovery has been effected from the other co-accused, who was a family member of the petitioner. He further submitted that it was basically a case of counter blast because some of the local committee member of the village which has been found privately by the members of the village had come to the house of the petitioner and had given beatings regarding which the petitioner and her family members got registered a DDR against the committee members and the present FIR is only counter blast to the same. He submitted that even otherwise also since no recovery has been effected from the petitioner, who is a lady and therefore, she may be considered for the grant of anticipatory bail.

In view of the above, the petitioner is directed to join the investigation and to co-operate fully with the investigation process and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

- (4) Learned Counsel for the petitioner submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.
- (5) Learned State Counsel on instructions from ASI-Tara Singh submits that in pursuance of aforesaid order, petitioner has joined investigation and custodial interrogation of the petitioner is not required.
- (6) In view of above, interim order dated 09.10.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (9) It is made clear that in case of any recurrence on the part of the petitioner, the State of Punjab would be at liberty to move an application for recalling of this order.
- (10) Disposed off accordingly.
- (11) Pending application(s), if any, shall also stand disposed off.

15.02.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No