

215 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-52158-2023 (O&M)
Date of Decision: 06.02.2024

Asha Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Lakshay Bector, Advocate,
for the petitioner.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab
assisted by SI Surinder Singh.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.146 dated 21.07.2023, under Sections 21 & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station, City Jagraon, District Ludhiana.

2. Allegations in brief are that recovery of 22 grams Heroin was effected from co-accused Balwinder Singh @ Bindri. During investigation, on the basis of disclosure made by said Balwinder Singh @ Bindri, petitioner was nominated in the present case.

3. This Court vide order dated 13.10.2023, granted interim bail to petitioner and the same reads as under:-

“Contends that petitioner has been nominated on the basis of disclosure made by main accused, Balwinder Singh @ Bindri, from whom, recovery of 22 gms. Heron was effected. Also contends that there is no other criminal case pending against the petitioner.

Notice of motion.

On the asking of the Court, Mr. Joginder Pal Ratra, Sr. DAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted for 23.11.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of arrest, the Arresting Officer would admit her to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she has joined investigation and her custodial interrogation is not required.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.
6. In view of above, interim order dated 13.10.2023 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. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

06.02.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

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