

CRM-M-54490-2023

285

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-54490-2023 (O&M)
Date of Decision: 19.03.2024

BALWINDER KAUR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through the instant petition, petitioner is seeking anticipatory bail
in case FIR No. 167 dated 26.09.2023 registered under Sections 21/29 of
NDPS Act and Section 188 of Indian Penal Code at Police Station
Bhawanigarh District Sangrur.
2. On 11.12.2023, following order was passed:

“The present petition has been preferred seeking grant of anticipatory bail in case FIR No.167 dated 26.09.2023 under Section 21/29 of NDPS Act, 1985 and Section 188 of IPC, 1860 at Police Station Bhawanigarh and District Sangrur.

Learned counsel for the petitioner submits that, in fact, the petitioner has been wrongly named in the disclosure statement, however, submits that the main accused Beant Singh has already surrendered and has been granted bail. As regards the husband of the petitioner Baljit Singh, he has also surrendered and the petitioner is ready to join the investigation.

Notice of Motion.

Mr. Kamalpreet Bawa, AAG, Punjab, accepts notice on behalf of the State.

Learned State counsel has vehemently opposed the grant of bail to the petitioner on the ground that one more case bearing FIR No.25 dated 07.02.2020 has already been lodged against the petitioner under the NDPS Act, however, he could not deny the fact that the petitioner has been granted the concession of bail in the said FIR.

After hearing learned counsel for the parties and considering the fact that the husband of the petitioner is already in custody and the recovery in the present case is also non-commercial in nature, the petitioner is directed to join investigation on 21.12.2023 at 11:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to be satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Adjourned to 25.01.2024.”

3. Learned State counsel on instructions from ASI Sukhjinder Singh, submits that in compliance of order dated 11.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 11.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

19.03.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No