

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-55328-2023 (O&M)
Date of decision : 31.01.2024

Manju

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Bhavesh Aggarwal, Advocate,
for the petitioner.

Mr. M.S. Tiwana, AAG, Punjab.

MAHABIR SINGH SINDHU, J.

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.145 dated 19.07.2023, under Sections 15 & 25 of the Narcotic Drugs and Psychotropic Substances, Act, 1985 (for short, ‘the NDPS Act’) and Section 29 of the NDPS Act (added subsequently), registered at Police Station, City Jagraon, District Ludhiana.

2. Allegations are that 110 kgs of poppy husk was recovered from the co-accused, namely Ganesh Paswan and Rinku, who were travelling on an Activa scooter owned by the petitioner.

3. The Coordinate Bench, on 06.11.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“ This is the first petition under Section 438 Cr.P.C. filed by the petitioner, who is a home maker, aged about 33 years, seeking pre-arrest bail in case FIR No.145 dated 19.07.2023, under Sections 15 and 25 of NDPS Act (Section 29 of NDPS Act added subsequently), registered at Police Station Jagraon, District Ludhiana.

Learned counsel for the petitioner inter alia submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner has been nominated as accused on the basis of disclosure statement

of co-accused, who were apprehended at the spot and recovery of 40 kgs and 35 kgs of poppy husk, respectively, was effected from them. Apart from the disclosure statement, there is no other material against the petitioner to connect her with the commission of crime. It is further submitted that the petitioner is not even the registered owner of the vehicle taken into possession by the police at the spot. The petitioner has clean antecedents and is not involved in any other criminal case. Counsel submits that the petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion, returnable for 14.12.2023.

Mr. Gurvinder Singh Sidhu, AAG, Punjab, accepts notice on behalf of respondent-State and waives service. Learned State counsel seeks time to file reply/status report.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting Officer/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and her custodial interrogation is not required. Further contended that no contraband was recovered from the petitioner in this case and except disclosure made by the co-accused, there is no other material available with the prosecution regarding her complicity.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 06.11.2023 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 application(s), if any, shall also stand disposed off.

31.01.2024
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(MAHABIR SINGH SINDHU)
JUDGE

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