

218(4) **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-61314-2023 (O&M)
Date of Decision: 05.03.2024

Sarabjit Kaur @ Sarbjit Kaur

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. P.S. Sekhon, Advocate,
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for seeking pre-arrest bail in FIR No.140 dated 27.10.2023 registered under Section 15 & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, at Police Station, Amargarh, Tehsil and District Malerkotla.

2. Allegations in brief are that on 27.10.2023, co-accused Lala Singh was apprehended with 52 kgs of poppy husk in his possession, without any permit or licence. Petitioner is alleged to be the prospective purchaser of said contraband.

3. Learned counsel contends that petitioner is not named in the FIR. Also contends that she has been nominated in the present FIR on the basis of disclosure made by co-accused Lala Singh. Further contends that in pursuance of the interim order dated 06.12.2023, she has joined investigation and her custodial interrogation is not required by the Police.

4. 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.
5. Heard learned counsel for the parties and perused the paper-book.
6. The Coordinate Bench of this Court vide order dated 06.12.2023, granted interim bail to petitioner and the same reads as under:-

“Instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in :-

FIR No.	Dated	Police Station	Sections
140	27.10.2023	Amargarh, District Malerkotla	15, 29 of the Narcotic Drugs & Psychotropic Substances (NDPS) Act, 1985

Counsel for the petitioner contends that recovery of 52 kg. Poppy husk was effected from Lala Singh, who was travelling in a car and was apprehended on the spot on 27.10.2023. Counsel submits that in his disclosure statement, he has named the petitioner as well as two other ladies, namely, Jasvir Kaur and Jeet kaur. Counsel submits that the petitioner, who is a young housewife has been falsely implicated as there is a dispute between her family and that of the main accused, who had at an earlier point of time lodged a criminal case against petitioner’s husband and other family members, who were acquitted. Counsel further submits that the petitioner, who has clean antecedents, is prepared to join the investigation.

Notice of motion.

On asking of the Court, Mr. A.P.S. Tung, D.A.G., Punjab accepts notice on behalf of the respondent-State.

List on 05.03.2024.

Petitioner is directed to appear before the Investigating Officer on 21.12.2023 at 10.00 A.M. at Police Station, Lehra, District Sangrur, and to join the investigation and appear as and

when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/ Investigating Officer. He shall also abide by the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

In pursuance of the above order, petitioner joined investigation and as per learned State counsel, her custodial interrogation is not required.

In view of the above, interim order dated dated 06.12.2023 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 be not construed as an expression of opinion on merits of the case; rather confined only to decide the present bail application.
9. Disposed off accordingly.
10. Pending criminal misc. application(s), if any, shall also stand disposed off.

05.03.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :
Whether Reportable:

Yes/No
Yes/No