

**IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
VACATION JUDGE, JALANDHAR (UID NO.PB00223)**

CIS No.	BA/3092/2023
CNR No.	PBJL010080632023
Date of Instt.	15.06.2023
Date of Order	23.06.2023

Jaswinder @ Rano wife of Balbir Singh resident of Village Dhaleta,
P.S.Goraya, Jalandhar.

....Applicant/accused

Versus

State of Punjab

.....Respondent.

FIR No.68 dated 08.06.2023
U/S 21(b)&29/61/85 NDPS Act.
Police Station Goraya, Jalandhar

[First Application for Bail U/s 438 of Cr.P.C.]

Present: Shri J.S.Basra, Advocate, for applicant/accused.
Shri Satnam, Addl. PP for the State.

O R D E R:-

1. Applicant/accused named above has filed this bail application under Section 438 Cr.P.C in a case FIR No.68 dated 08.06.2023 under Section 21(b)&29/61/85 NDPS Act, registered at police Station Goraya, Jalandhar.

2. Upon notice, Shri Satnam Additional Public Prosecutor appeared on behalf of State.

Rana Kanwardeep Kaur Chahal,
Vacation Judge, Jalandhar.
Dated 23.06.2023

ARGUMENTS OF LD. COUNSEL FOR APPLICANT/ACCUSED:

3. The learned counsel for applicant/accused has argued that the allegations levelled against her are false and frivolous. He has further submitted that applicant/accused has not committed any offence and she has been falsely implicated in this case on the alleged disclosure statement of co-accused. Nothing is to be recovered from her and the alleged recovery has already been effected in this case by the police. More so, applicant/accused is ready to join the investigation and undertakes to abide by the conditions to be imposed by the Court and prayed that her bail application be allowed.

ARGUMENTS BY LD.ADDL. PUBLIC PROSECUTOR:

4. On the other hand, while controverting his contentions, the learned Addl. P.P for the State has vehemently argued that the custodial interrogation of applicant/accused is necessary to ascertain the entire truth and facilitation of proper investigation. Hence, she does not deserve the leniency of the Court in grant of relief of anticipatory bail. A prayer has been made to dismiss the bail application.

5. **I have heard the learned counsel for applicant/accused and learned Addl.PP for the State and have also gone through the record.**

6. Police record received. Perusal of which reveals that on 08.06.2023, a police party headed by SI Charanjit Singh while patrolling

reached near turning of Samrari, one lady having a purse was found coming, who on seeing the police party tried to turn back, but she was apprehended and on asking, she disclosed her name as Harpreet Kaur. The search of lady purse being carried by her, led to the recovery of **50 grams heroin**.

7. Further perusal of the police record reveals that during investigation, the accused Harpreet Kaur nominated five persons including present applicant/accused by making disclosure statement. Thereafter, the present applicant/accused was nominated as accused in the present case vide Rapat No.21 dated 09.06.2023 and the offence under Section 29 of NDPS Act was added in the present case.

8. Admittedly, nothing was recovered from the present applicant/accused. The learned defence counsel has relied upon ***Ajay Kumar Vs. State of Haryana, 2014(45) RCR(Criminal) 943, (P&H)***, in which it has been held that 14kg 700 gms of poppy husk was recovered from the possession of co-accused. The applicant had been sought to be implicated on the disclosure statement suffered by co-accused. It was held that the petitioner having joined investigation, his custodial interrogation as such would not be warranted. Same view was taken in ***Darshan Singh Pandit Vs. State of Haryana, 1996(3) RCR(Criminal) 632***. The law laid down in these citations is fully applicable to the facts of the present case. As recovery has already been effected from the co-accused and nothing has been recovered

from the present applicant/accused, then certainly he is not required for any custodial interrogation.

9. So, in view of above facts and circumstance, without going into the merits of the case, this Court is of the considered opinion that before deciding this bail application on merits, it is appropriate to direct the applicant/accused to join investigation which would be beneficial for further progress of investigation. As such applicant/accused is directed to join investigation within 14 days from today by surrendering before the IO/SHO of Police Station Goraya Jalandhar and in the event of arrest of applicant/accused, such Arresting Officer is directed to release her on interim bail in this case, on furnishing bail bonds/surety bonds to his satisfaction subject to the conditions under Section 438(2) Cr.P.C. Now to come up on 07.07.2023 for awaiting report of I.O. regarding joining of investigation by applicant/accused. Police record be returned and be produced again on the date fixed.

Pronounced on:
Dated:23.06.2023

Neeraj

(Rana Kanwardeep Kaur Chahal)
Vacation Judge, Jalandhar
(UID No. PB00223).

Rana Kanwardeep Kaur Chahal,
Vacation Judge, Jalandhar.
Dated 23.06.2023