

CNR No. PBSG01007235-2019

BA -2320-2019

Goma Kaur Versus State.

FIR No.195 of 27.07. 2019.

U/s 22 NDS Act.

Police Station: Lehra.

Present: Shri B. S. Kamboj, Advocate, counsel for applicant Goma Kaur.
Shri Mahesh Goyal, Additional PP for the State.

ORDER

This order shall dispose of the bail application filed by the applicant -accused under Section 438 Cr.P.C, for releasing her on anticipatory bail.

2. Notice of the bail application was given to State. The learned Additional PP for the State, made appearance on behalf of the State and got produced the record.

3. I have heard the learned Counsel for applicant, Additional PP for the State and also perused the record.

4. It is submitted by the applicant as well as argued by her counsel that recovery in this case has not been effected from the applicant. She has not been named in the FIR. She has no concern with the alleged recovery. No offence has been committed by the applicant. She has been falsely implicated in the present case. Her physical custody is not required. The police is raiding the house of applicant to arrest him. She is

ready to join the investigation as and when so directed and will abide by all the conditions imposed by the Court. Hence, the prayer for relief of anticipatory bail.

5. On the other hand, while controverting his contentions, the learned Additional PP for the State has vehemently argued that as the applicant is involved in a case of Narcotic Drugs and Psychotropic Substances Act, she does not deserve the leniency of the Court in grant of relief of anticipatory bail.

6. As is transpired from the record, on 27.07.2019, at about 6:15 PM, in the area of village Ladal, Paramjit Kaur co-accused was nabbed by the police party and 450 intoxicating tablets make Clovidol were recovered from her possession. During interrogation, she disclosed that some unknown person had supplied these intoxicating tablets to her and Goma wife of Sukha Singh. The half of these tablets pertains to Goma applicant.

7. As revealed from the documents on the file, the name of applicant does not find mentioned in the FIR. She has not supplied the contraband to her co-accused Paramjit Kaur. The applicant has been nominated on the basis of disclosure made by Paramjit Kaur. The recovery has already been effected in this case from her co-accused. Therefore, her custodial interrogation is not required. In the given circumstances, without dilating further on the merits of case, the Court is of the opinion that no useful purpose is to be served by sending the

applicant behind the bars. Rather, it may burden the state Exchequer. So far the averments of FIR are concerned, those are matters to be appreciated only after taking evidence during trial. Hence, the bail application is **allowed**. The applicant is directed to join the investigation before IO/SHO concerned. In that eventuality and in the event of her arrest, applicant Goma Kaur is ordered to be released on anticipatory bail on furnishing bail bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of SHO/Arresting Officer/Illaq/Duty Magistrate for the offences mentioned in the FIR, subject to the following conditions.

- i. That the applicant will make herself available in the investigation of the case, as and when required;
- ii. That the applicant will not tamper with the prosecution evidence; and
- iii. That the applicant will not leave the country without prior permission of the court.

8. It is made clear that **joining of investigation on the part of applicant is the condition precedent to the anticipatory bail.**

9. Police record be returned. Bail papers be consigned to the Record Room, Sangrur.

Announced in open Court.

Dated: 13.08.2019.

Rajiv Kumar, JW.

(Dr. Rajneesh)
Judge Special Court,
Sangrur (UID-PB0172).