

Amanpreet Kaur @ Preeti(In Jc) vs State on 28 April, 2023

Author: Dinesh Kumar Sharma

Bench: Dinesh Kumar Sharma

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ CRL.REV.P. 471/2023

AMANPREET KAUR @ PREETI(IN JC)

..... Petiti

Through: Mr.Abhishek Kumar, Ms.Deeksha
Saggi and Mr.Ruparn Uniyal,
advocates

versus

STATE

..... Respon

Through: Mr.Raghvinder Verma, APP for t
State.

SI Sanjeev Gupta, PS Crime Bra

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% 28.04.2023 CRL.M.A. 11199/2023 (exemption) Exemption is allowed subject to all just exceptions. Application stands disposed of.

Present petition has been filed seeking setting aside the order dated 18.04.2023 passed by the learned Special Judge, NDPS, Central, Tis Hazari whereby an application for grant of statutory bail under Section 36-A (4) of NDPS Act read with Section 167 (2) of Cr.P.C. has been dismissed.

The petitioner had sought the bail on the ground that the charge sheet filed by the prosecution was inconclusive in nature as the FSL result was yet to be filed.

Learned counsel for the petitioner has submitted that this legal issue is pending consideration before the Hon ble Supreme Court in Mohd.Arbaz vs. State of NCT of Delhi, SLP (Crl.) 8164-8166/2021.

Issue notice. Learned APP for the State accepts notice. Let status report be filed.

In the meantime, any decision taken by the Supreme Court be immediately brought on record by the State or the learned counsel for the petitioner.

Learned counsel for the petitioner submits that in the meantime interim bail may be granted to the petitioner.

Learned counsel submits that in similar circumstances, the coordinate bench of this court in Crl.Rev.P.135/2023 titled as Gurjeet Singh vs. The State of NCT of Delhi vide order dated

10.02.2023 has granted interim bail to the accused.

Learned APP has fairly, on instructions, informed that the petitioner is not involved in any other case. However, he has opposed grant of interim bail on the ground that the petitioner was found in possession of commercial quantity.

In view taken by the coordinate bench of this court in Crl.Rev.P.135/2023 titled as Gurjeet Singh vs. The State of NCT of Delhi and without going into the merits of the case, this Court is inclined to grant interim bail to the petitioner till the next date of hearing on furnishing a personal bond in the sum of Rs. 50, 000/- with one surety of the like amount subject to the satisfaction of the Ld. Trial Court, subject to the following conditions:

- i. Petitioner will not leave the country without prior permission of the Court.
- ii. Petitioner shall provide permanent address to the Ld. Trial Court. The petitioner shall intimate the Court by way of an affidavit and to the IO regarding any change in residential address.
- iii. Petitioner shall appear before the Court as and when the matter is taken up for hearing.
- iv. Petitioner shall join investigation as and when called by the IO concerned.
- v. Petitioner shall provide all mobile numbers to the IO concerned which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the IO concerned. The mobile location be kept on at all times.
- vi. Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with any of the prosecution witnesses, the victim/complainant or any member of the victim/complainant's family or tamper with the evidence of the case.
- vii. Petitioner shall report to the IO on every Thursday at 5 p.m. at his office and mark her appearance.

List on 05.10.2023.

Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

Copy of order be given dasti under the signatures of the Court Master.

DINESH KUMAR SHARMA, J APRIL 28, 2023/rb