



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42325 of 2024
Date of decision: 30th August, 2024

Sarabjit Kaur @ Baby
... Petitioner
Versus
State of Punjab
... Respondent

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Arshdeep Singh, Advocate for
Mr. Mikhail Kad, Advocate for the petitioner.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.154 dated 01.08.2024 under Sections 21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Nabha, District Patiala.
2. Learned counsel for the petitioner submits that falsity of the prosecution version is evident from the fact that he was not present with co-accused Lakhvir Singh alias Laddi, from whom the alleged recovery of 55 grams of Heroin was affected, pursuant to a secret information received. It has been argued by the learned counsel that on being arrested, co-accused Lakhvir Singh @ Laddi allegedly suffered a disclosure statement nominating the petitioner as an accused in the crime in question. It has been asserted by the learned counsel that the



evidentiary value of the disclosure statement is of weak nature and further lends credence to the petitioner being innocent.

3. I have heard learned counsel for the petitioner and perused the relevant material on record including the FIR in question, which stands reproduced herein below:

*“Today myself SI alongwith HC Harjit Singh 2051/PTA, Constable Armandeep Singh 2615/PTA, Constable Daljeet Singh 3096/PTA P.C, PHG Hoshair Singh 18684 alongwith Laptop Printer on a private vehicle were present at Turn Point Himmatpura Link Road Near Railway Phatak Chhintawala for NakaBandi for checking of suspected persons. During Nakabandi secret informer informed me separately that from village Himmatpura side one swift car no. DL 12C.B 3981 colour white whose driver is Lakhvir Singh @ Laddi son of Surjit Singh r/o Jollian who in connivance with **Sarabjit Kaur @ Baby** wife of Laddi Singh son of Bhola Singh r/o Jollian used to do business of selling chitta/heroin in heavy quantity. Today also they are coming from chhintawala area from Himmatpura side for selling chitta/heroin and if during Nakabandi checking of car will be done then both the persons can be apprehended along with Chitta/heroin. Then after some time one car swift colour white was seen coming from Himmatpura side, then myself SI got stopped the vehicle by waving the hand and the and he became nervous and stopped the vehicle. Then myself SI reached near the car and opened the door and get the key of car, after getting key of car asked the person about his name*



*and address and he told his name as Lakhvir Singh @ Laddi son of Surjit Singh r/o Jolian and on the driver side near right side of speedometer one white colour transparent polythene bag was seen and chitta/heroin was seen visible from white colour transparent polythene and asked about this then he told that it is chitta and he further told that I have brought this Chitta from **Sarabjit Kaur @ Baby** who is my friend and we together sell it. Today I came to Chhintawala to sell this chitta to Kala son of Chanda resident of Chhintawala and Kala further sold this chitta to his customers. Then myself SI gave introduction to Lakhvir Singh @ Laddi that myself SI Sarabjit Singh posted as Chowki Incharge Chhintawala at P.S Sadar Nabha and wearing uniform of Punjab police and having name plate of my name on the uniform. Then myself SI told Lakhvir Singh that the chitta/heroin which was there in the car was illegal and want to take it in my possession and want to search you and your car but you have got legal right that you can get search of yourself or car in the presence of some Gazetted Officer or Magistrate and they can be called at the spot. Then Lakhvir Singh @ Laddi after thinking for a while that I have full faith in you and you can get search of myself and of my car and can take the possession of chitta/heroin which is in my possession. Then myself SI gave notice under section 50 NDPS Act on which Lakhvir Singh @ Laddi and witnesses signed it. Then myself SI weighed the chitta/heroin recovered from Lakhvir Singh with electronic scale and which came out to be 55 grams including weight of polythene. Then myself SI affixed my seal bearing impression SS and sample seals were prepared separately.*



*Seal after use was handed over to HC Harjit Singh 2051/PTA. Then myself SI after taking 55 grams heroin in possession prepared recovery memo and witnesses signed the same. Lakhvir Singh @ Laddi, **Sarabjit Kaur @ Baby** and Kala son of Chanda by selling chitta/heroin and by keeping in their possession made out an offence under section 21/29/61/85 NDPS Act So ruga is being sent for registration of case against Lakhvir Singh @ Laddi, **Sarabjit Kaur @ Baby** and Kala Chhintawala through PHG Hoshier Singh 18684. After registration of case, case no. be informed and special reports be issued and control room Patiala be informed. My SI along with colleagues is busy in investigation. In the jurisdiction of village Himmatpura. Time 7:15 PM SD/- Sarabjit Singh SI Incharge Chowki Chhintawala P.S Sadar Nabha Date 01.08.2024.”*

4. A perusal of the FIR in question clearly reveals that a secret information was received by the police not only qua the co-accused Lakhvir Singh alias Laddi but also with respect to the involvement of the petitioner in drug trafficking. Although the petitioner was not present with the co-accused when the alleged recovery of Heroin was affected, however, the disclosure statement allegedly suffered by co-accused, prima facie, corroborates the involvement of the petitioner in the crime in question in the light of the secret information received by the police. It has not been disputed by the learned counsel for the petitioner and



rather it is matter of record that the petitioner is a habitual offender as she is involved in six other cases under the NDPS Act.

5. In the facts and circumstances as enumerated hereinabove, the petitioner does not deserve the extraordinary concession of anticipatory bail. The petition stands dismissed. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

August 30, 2024
rps

Whether speaking/reasoned	Yes/No`
Whether reportable	Yes/No