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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-48315-2024

Date of Decision: September 26, 2024

JASWANT KAUR @ KHANDO**....Petitioner(s)****VERSUS****STATE OF PUNJAB****....Respondent(s)****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Amardeep Singh Gill, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J.(ORAL)**1. Relief Sought**

The jurisdiction of this Court under Section 482 Bhartiya Nagrik Suraksha Sanhita, 2023, has been invoked seeking the concession for the grant of anticipatory bail to the petitioner in FIR No.169 dated 14.07.2024 under Sections 21, 22, 29 of the NDPS Act, 1985 and Section 25, 54, 59 of Arms Act, registered at Police Station Navi Baradari, District Jalandhar.

2. Prosecution story set up in the present case as per the version in the FIR read as under :-

'Station House Officer, Police Station Navi Baradari, Commissionerate Jalandhar. Jai Hind. Today I SI alongwith S.I. Surjit Singh No. 2446, SR/CT Ranjit Singh 1821, SR/CT Sukhdev Singh 3176/CT Sandeep Kumar 1005, CT Jagraj



Singh No. 2135, alongwith Laptop and Printer and investigation kit, on Government vehicle PB-08-DG-9063 Mark Mahindra Bolero, whose driver is CT Lovepreet Singh 2339 were present for patrolling and checking of suspicious persons and drug smugglers near BSF Chowk, Jalandhar. Then one patriot person came to me SI and gave information that in Jalandhar City Jagroop Singh son of Tarlok Singh resident of Village Jama Rai, District Tarn Taran, Bhavjot Singh son of Sarwan Singh R/o Village Doghri, District Jalandhar, Aman R/o Village Johal D Wala, District Tarn Taran and Happy resident of Ladhu Kalsi Kalan District Tarn Taran in connivance with each other are doing business of selling heroin, illegal weapons and ammunition. They mostly call the clients to vacant places and supply the heroin and weapons. Today out of them two persons Jagroop Singh son of Tarlok Singh resident of Village Jamarai, District Tarn Taran and Bhavjot Singh son of Sarwan Singh R/o Village Doghri, District Jalandhar are by keeping heroin and weapons in car No. PB-63-D-6500 Mark Swift colour white are coming towards Railway Station side and Guru Nanakpura Railway crossing to sell the heroin and weapons. If patrolling is done on the vacant place in this area, then both of them can be arrested alongwith car, heroin and weapons. As the information is correct and reliable, offence u/s 21-61- 85 of NDPS Act, 25/54/59 of the Arms Act are made out, as such the writing under the above mentioned sections is sent through hand of CT Jugraj Singh 2135 to the police station for registration of the case. After registration of the case the number be intimated. Officials and control room be informed. Special report after being issued be sent to Ilaqa Magistrate and officials. Control room be informed. I SI alongwith companions are going to the area informed by the patriot person. Today in the area of near BSF Chowk Jalandhar at 04:30 PM. SD/ SI Special Cell, Commissionerate Jalandhar



dated 14.07.2024. Today in the police station :- on receipt of the above writing in the police station the above mentioned FIR under the above mentioned sections is registered and the original writing alongwith copy of FIR is sent for further proceedings through the official coming CT Jugraj Singh 2135 to the spot, to the SI. After issuing the special report are sent through hand of CT Sunil Bains 1131 to the Illaqa Magistrate and the officials and Control Room are being informed.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused by co-accused Manjit Kaur and in fact that disclosure statement has been taken from her under coercion. He further contends that co-accused namely Manjit Kaur has already been granted the concession of bail by the trial Court vide order dated 03.09.2024 (Annexure P-2).

On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating Officer opposes the prayer for grant of anticipatory bail on the ground that to bring the investigation at its proper conclusion, custodial interrogation of the petitioner is required but could not controvert the submissions made on behalf of the petitioner.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions made by counsel for the petitioner and whatever recovery of the



contraband effected is from co-accused Manjit Kaur even the same is non-commercial in nature measuring 100 grams of heroin and whatever other allegations are concerned qua use of firearm along with contraband in question is to be tested by the trial Court and i.e. also against co-accused namely Jagroop Singh and Bhavjot Singh.

It is also to be taken note of the fact that main accused namely Manjit Kaur stands granted the concession of bail by the Addl. Sessions Judge, Jalandhar vide order dated 03.09.2024 (Annexure P-2), there is no reason for this Court to deny the petitioner the concession of anticipatory bail wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to her joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, upon furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;



- (ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) a condition that the person shall not leave India without the previous permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically, stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

26.09.2024
Sangeeta

Whether reasoned/speaking: Yes/No
Whether reportable: Yes/No