



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217

CRM-M-10174-2025
Decided on: 24.04.2025

Sunita

Versus

.....Petitioner

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Taranjit Kaur Hundal, Advocate
for the petitioner.

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J.

1. Prayer in this petition, filed under Section 482 of the BNSS, 2023, is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

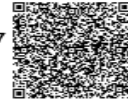
Name of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sunita	228	16.08.2024	21(b), 22 and 29 of NDPS Act	Phillaur	Jalandhar Rural

2. On 21.02.2025, following order was passed:-

“1. Prayer in this petition, filed under Section 482 of the BNSS, 2023 (earlier Section 438 Cr.P.C.) is for grant of anticipatory bail to the petitioner, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:

Name and age of petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Sunita aged 30 years	228	16.08.2024	21(b), 22 and 29 of NDPS Act	Phillaur	Jalandhar Rural

2. Learned counsel for the petitioner contends that in case FIR No.245, dated 01.09.2024, under Section 21 of the NDPS Act, registered at P.S. Phillaur, Jalandhar, petitioner was arrested on



01.09.2024, and thereupon, was released on bail vide order dated 28.11.2024, passed by the Judge, Special Court, Jalandhar. As per allegations in that case, from the possession of the petitioner contraband 'Heroin' weighting 16 grams, was recovered. Present case, i.e., FIR No.228, had been registered on 16.08.2024, under Sections 21(B), 22(B), 27-A and 29 of NDPS Act, at P.S.Phillaur, Jalandhar (same Police Station), which undoubtedly, is much prior to the arrest of the petitioner in case FIR No.245.

Thus, it is argued that had there been any actual involvement of the petitioner in FIR No. 228, dated 16.08.2024, this fact would have been disclosed by the Investigating Officer before the Court dealing with the regular bail application of the petitioner. The said bail application was allowed after the petitioner remained in jail for about two months. Therefore, the involvement of the petitioner in FIR No. 228, and that too solely on the basis of a disclosure statement, requires to be viewed with strong suspicion.

Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

3. Notice of motion.

4. On advance notice, learned State counsel puts in appearance on behalf of the respondent - State, and seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions. And, in case of necessity, to file status report.

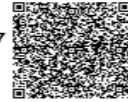
5. Adjourned to 24.04.2025.

6. In the meanwhile, the petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

7. Besides, the petitioner would submit/surrender his passport before the Arresting Officer and an undertaking on oath that in case of leaving the Country, he would seek prior permission from the Investigating Agency/concerned Court.

8. For explaining the circumstances, as argued and recorded here- above, Investigating Officer shall remain present in Court on the next date of Hearing.”

3. In compliance of the order dated 21.02.2025, Investigating Officer ASI Amandeep Kaur, is present and explains her position that she was appointed as Constable under Sports Quota and thereupon in the year 2019 she was promoted as ASI being a sportsperson. Further, explains that at the time of consideration of bail filed by the petitioner in case FIR No. 245 dated 01.09.2024, under Section 21 of NDPS Act, registered at Police Station Phillaur, Jalandhar, she was not the Investigating officer and case was being assigned to some other police officer. Further submits



that infact it was the duty of the said police officer to apprise the Court about involvement of the petitioner as accused in case FIR No. 228 dated 16.08.2024 (i.e. in present case), although the matter pertains to same police Station.

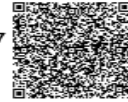
From the explanation given by the Investigating Officer, this Court feels satisfied and thus, is of the view that no further direction is required to be issued.

4. Learned counsel for the petitioner contends that in compliance of the order dated 21.02.2025, passed by this Court, the petitioner has joined the investigation, and has fully co-operated.

5. In compliance of order dated 21.02.2025, learned State counsel has filed status report by way of an affidavit of Sarwan Singh Bal, PPS, Deputy Superintendent of Police, Sub Division Phillaur, District Jalandhar (Rural) in the Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with the paper book.

Learned State counsel while opposing the prayer of the petitioner, submits that infact the arguments noticed by this Court in previous order dated 21.02.2025 would not help the petitioner because the proceedings in both the NDPS cases are still in continuation and no such finding has been recorded raising doubt over the version of the prosecution. However, learned State counsel on instructions, confirms the said averment and submits that the custodial interrogation of the petitioner would not be required now for the purpose of investigation.

6. Heard learned counsel for the parties.

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7. Since the petitioner has joined the investigation and custodial interrogation is no more required, present petition is allowed and interim order dated 21.02.2025, passed by this Court is hereby made absolute.

However, petitioner shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

Besides, it is directed that petitioner would hand over her passport to the Investigating Agency or to Court concerned, if she possesses. Otherwise, would submit an affidavit, disclosing the fact that she does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

8. Accordingly, petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

April 24, 2025
rashmi

Whether Speaking/Reasoned: ~~YES/NO~~
Whether Reportable: ~~YES/NO~~