



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

212

1.

CRM-M-6739-2025
Decided on : 03.04.2025

Sukhjeet Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

2.

CRM-M-10244-2025

Gurpreet Singh @ Pita Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. A.C. Chaudhary, Advocate for
Mr. Paras Jagga, Advocate
for the petitioner(s) (in CRM-M-6739-2025).

None for the petitioner(s) (in CRM-M-10244-2025).

Mr. Amandeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRM-M-6739-2025 and CRM-M-10244-2025, as both the petitions are interconnected and have arisen out of same FIR. However, the lead case is CRM-M-6739-2025.

2. Prayer in this petition, filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner(s), who have been booked for having committed the offences punishable under Sections 106, 3(5) of BNS, 2023 (Section 106 of IPC deleted and Section 105 of BNS, 2023 added later on), in a case arising out of FIR No.144, dated 23.12.2024, registered at Police Station Sangat, District Bathinda.

3. While hearing both the petitions on 06.02.2025 and 21.02.2025,



following orders were passed by this Court:-

“CRM-M-6739-2025

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 & age of Petitioner (s)	FIR No.	Date	Section(s)	Police Station	District
Sukhjeet Kaur, aged about 49 years	144	23.12.2024	106, 3(5) of BNS and Section 106 IPC deleted and Section 105 of BNS added later on	Sangat	Bathinda

2. Learned counsel for the petitioner, inter alia, contends that initially, case was registered under Section 106 BNS, (Section 304-A of IPC) and now, it has been converted to Section 105 BNS (Section 304 IPC, by deleting Section 106 of BNS, 2023.

Counsel for the petitioner contends that invoking of the provisions of Section 105 of BNS, is based only on the assumptions, as the ingredients of Section 105 BNS, are not made out. At best, it can be alleged that petitioner is a supplier of the drugs, and for that purpose, there is a separate provision of law, under the NDPS Act.

3. In the present case, there is no such evidence, except of the oral version given by the complainant namely Sukhpreet Kaur, who is mother of the deceased – Vicky Singh. Admittedly, Vicky Singh was a drug addict, and it is he, only who consumed the drug himself through injections.

Further submits that moreover, Ginda Singh can be said to be the main accused, as supplier and not the petitioner.

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

4. Notice of motion.

5. On advance notice, Mr. Amandeep Singh, DAG, Punjab puts in appearance on behalf of the respondent – State, and informs the Court that the petitioner is not the wife of the main accused namely Ginda Singh, rather, staying with him in live-in relationship after leaving the company of her own husband namely Bindar Singh.

However, he seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and to file status report in the matter.

6. Adjourned to 03.04.2025.

7. 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 her arrest, the petitioner shall be released on ad-interim bail, subject to her 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.).

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

9. *However, it is clarified that Senior Superintendent of Police, Bathinda, would examine himself/herself that as per the allegations, whether correct provisions of law has been applied or not, and in case, he /she reaches to the conclusion that some other provision of law is applicable, the same would be invoked in the present case.*

CRM-M-10244-2025

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:-*

<i>Name & age of Petitioner (s)</i>	<i>FIR No.</i>	<i>Date</i>	<i>Section(s)</i>	<i>Police Station</i>	<i>District</i>
<i>Gurpreet Singh @ Pita Singh, aged about 26 years</i>	<i>144</i>	<i>23.12.2024</i>	<i>106, 3(5) of BNS, 2023 (Section 106 of IPC deleted and Sections 105 of BNS, 2023 added)</i>	<i>Sangat</i>	<i>Bathinda</i>

2. *Learned counsel for the petitioner, inter alia, contends that initially, case was registered under Section 106 BNS, (Section 304-A of IPC) and now, it has been converted to Section 105 BNS (Section 304 IPC, by deleting Section 106 of BNS, 2023.*

Counsel for the petitioner contends that invoking of the provisions of Section 105 of BNS, is based only on the assumptions, as the ingredients of Section 105 BNS, are not made out. At best, it can be alleged that petitioner is a supplier of the drugs, and for that purpose, there is a separate provision of law, under the NDPS Act.

3. *In the present case, there is no such evidence, except of the oral version given by the complainant namely Sukhpreet Kaur, who is mother of the deceased – Vicky Singh. Admittedly, Vicky Singh was a drug addict, and it is he, only who consumed the drug himself through injections.*

Further submits that moreover, Ginda Singh can be said to be the main accused, as supplier and not the petitioner.

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

4. *Notice of motion.*

5. *On advance notice, Mr. Amandeep Singh, DAG, Punjab puts in appearance on behalf of the respondent – State, and informs the Court that the*



petitioner is not the wife of the main accused namely Ginda Singh, rather, staying with him in live-in relationship after leaving the company of her own husband namely Bindar Singh.

Learned State counsel informs the Court that petitioner is involved in two other cases of similar nature.

However, he seeks some time to respond to the submissions addressed by learned counsel opposite, after seeking instructions, and to file status report in the matter.

6. *Adjourned to 03.04.2025.*

7. *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 her arrest, the petitioner shall be released on ad-interim bail, subject to her 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.).

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

9. *Already in the connected petition(s), a direction has already been issued to the Senior Superintendent of Police, Bathinda, to examine the facts of the case in accordance with law.*

To be heard along with CRM-M-6739-2025.”

4. Learned counsel for the petitioner(s) further contends that in compliance of the orders dated 06.02.2025 and 21.02.2025, passed by this Court, the petitioner(s) have already joined the investigation and are ready to co-operate with investigation agency, as and when same is required again.

5. On the other hand, learned State counsel, also confirms the said statement of joining the investigation and thus, submits that the custodial interrogation of the petitioners is not required, at this stage, for the purpose of investigation.

Besides, learned State counsel also files two separate short replies dated 02.04.2025, in both the petitions, in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at



appropriate place.

Copies thereof have been handed over to the counsel for the petitioner(s).

6. Heard learned counsel for the parties.

7. Since the petitioners have already joined the investigation and their custodial interrogation is not even asked for, present petitions are **allowed** and the ad-interim orders dated 06.02.2025 and 21.02.2025 are hereby made absolute.

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

8. Besides, it is directed that petitioners would hand over their passport to the Investigating Agency or to Court concerned, if they possess. Otherwise, would submit affidavits, disclosing the fact that they do not possess any passport.

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

9. Petitions stand **disposed of** accordingly.

(SANJAY VASHISTH)
JUDGE

April 03, 2025

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No