



103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10826-2025 (O&M)
Date of decision: 25.02.2025

Jasvinder Kaur

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vishal Sharda, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.27 dated 30.01.2025 under Sections 21(b)/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station City Mandi Dabwali, District Sirsa.
2. Brief facts of the case are that FIR (*supra*) was registered at the instance of ASI Dalbir Singh on the allegations that while he along with other

2025:PHHC:027074



police officials was on checking duty, he arrested co-accused Angrej Singh and after following the procedure as laid down under NDPS Act, 6.28 grams of heroin wrapped in glazed paper was recovered from him and he disclosed that said contraband was purchased by him from the petitioner. Hence, the present petition has been filed by the petitioner seeking anticipatory bail.

3. Learned counsel for the petitioner, *inter alia*, contends that admittedly, nothing has been recovered from the conscious and exclusive possession of the petitioner and she has been nominated as accused only on the basis of disclosure statement made by co-accused while he was in police custody, which has no evidentiary value in the eyes of law, as the same is hit by Section 25 of Indian Evidence Act, 1872 (*now Section 23(1)(2) of Bharatiya Sakshya Adhiniyam, 2023*). Further, the alleged contraband recovered from co-accused Angrej Singh does not fall within the ambit of commercial quantity. Lastly, learned counsel for the petitioner contends that although the petitioner is involved in one more case under NDPS Act, however, she is on bail in that case.

4. *Per contra*, learned State counsel opposes the prayer for grant of anticipatory bail to the petitioner on the ground that she is supplier of the alleged contraband, which was recovered from co-accused. The petitioner is habitual offender and she is involved in two more cases, out of which, one case is registered under NDPS Act. As such, custodial interrogation of the petitioner



is required to take the investigation to its logical conclusion.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner is supplier of the alleged contraband and as such, her custodial interrogation is imperative to unearth the supply chain. Further, the petitioner is involved in two more cases, out of which, one case is under NDPS Act and another case is registered under IPC and Arms Act.

6. Keeping in view the facts and circumstances of the case, without commenting further on merits of the case, lest it may prejudice the rights of either of the parties, this Court finds no ground to grant the concession of anticipatory bail to the petitioner.

7. Accordingly, present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No