



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11391-2025
DECIDED ON: 28.02.2025

JASWINDER KAUR

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mikhail Kad, Advocate for
Mr. Rahul Verma, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of BNSS 2023 for grant of concession of anticipatory bail to the petitioner in case FIR No. 176 dated 24.12.2024 under Section 21/29/61 of NDPS Act 1985, registered at Police Station City Sunam District Sangrur.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Copy of Ruqa “Officer Incharge Police Station City Sunam Fateh, Today myself ASI along with HC Jagdeep Singh 180/Sgr, HC Rajdeep Singh 377/Sgr, L/C Harpreet Kaur 2176/Sgr on a government vehicle no. PB65-BG-4726 Brand Scorpio whose driver is PHG Rajinder Singh 26793 along with Laptop, Printer, inverter and investigation kit were present near Mai Sheelo Godown Sunam for patrolling and checking of suspected persons and vehicles. Then at about 4:15 PM special informer came to me and informed me separately that Amandeep Kaur @ Amni wife of Bunty Singh resident of Inner Vehra Indra Basti Sunam is in the habit

selling heroin to her permanent customers. This heroin is supplied to her by Jaswinder Kaur @ Rani wife of Lakhwinder Singh resident of Inner Vehra Indra Basti Sunam P.S City Sunam. Even today Amandeep Kaur @ Amni wife of Bunty Singh resident of Inner Vehra Indra Basti Sunam is standing under sheds in Grain Market Sunam for selling heroin to her customers. If raid is conducted immediately at the above mentioned place then above mentioned Amandeep Kaur @ Amni can be apprehended along with heavy quantity of heroin. Information is correct and reliable. Above mentioned Amandeep Kaur @ Amni wife of Bunty Singh resident of Inner Vehra Indra Basti Sunam by selling heroin and Jaswinder Kaur @ Rani wife of Lakhwinder Singh r/o Inner Vehra Indra Basti Sunam P.S City Sunam by supplying heroin made out offence under section 21,29,61,85 NDPS Act 1985. So ruga is sent after writing to Police Station City Sunam by hand through HC Rajdeep Singh 377/Sgr for registration of case for above mentioned offence against Amandeep Kaur @ Amni wife of Bunty Singh resident of Inner Vehra Indra Basti Sunam and Jaswinder Kaur @ Rani wife of Lakhwinder Singh r/o Inner Vehra Indra Basti Sunam Police Station City Sunam. After registration of case, case no. be informed. Incharge control room be informed. Special reports be issued. If according to information above mentioned accused be arrested after recovery and keeping in mind the time warrants can not be obtained and search of the above mentioned accused is necessary. So report under section 42 (2) NDPS Act be prepared separately and is being sent to senior officers. Myself ASI along with colleagues are going to grain market sunam for raid and recovery.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 15 grams of heroin was

recovered from the co-accused Amandeep Kaur @ Amni, on whose disclosure statement the petitioner was nominated as an accused in the instant FIR. He further contends that the alleged recovered contraband is non-commercial in nature and nothing has been recovered from the present petitioner. It has been contended on behalf of the petitioner that she is ready and willing to join the investigation and cooperate with the investigating officer concerned.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid fact and opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner has played a key role in controlling the distribution and sale of alleged contraband.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Amandeep Kaur @ Amni, from whose possession the alleged contraband was recovered; nothing has been recovered from the present petitioner as whatever recovery was effected was from other co-accused namely Amandeep Kaur @ Amni in addition to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from her.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating

Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, 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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

28.02.2025

Poonam Negi

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No