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

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**CRM-M-11786-2025 (O&M)
Date of decision: 08.05.2025**

Lachmi Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 315 dated 27.06.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Barnala, District Barnala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 27.06.2024, on the basis of a secret information, co-accused Vakeel Singh, Gurpyar Singh, Rohit Kumar and Munish Kumar were apprehended by a police party headed by SI Manjit Singh from the cotton market and recovery of total 700 loose intoxicant tablets (Alprazolam) was effected from them. Upon interrogation, all the four co-accused disclosed that they used to buy intoxicating tablets from the present petitioner and some other

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persons. On the basis of the same, the petitioner has been nominated in this case as an accused. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Barnala but the same had been dismissed, vide order dated 18.09.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. She was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence against her. Even the recovery of the said contraband effected from the co-accused is of non-commercial quantity. The petitioner is ready to join the investigation. No useful purpose would be served by detaining her in custody. Therefore, it is urged that the petition deserves to be allowed. To fortify his argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1.***

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of anticipatory bail as he along with some other persons used to supply intoxicating drugs to the co-accused. The petitioner is a habitual offender. She is involved in two more cases of similar nature, out of which, in one case she has been convicted and in one case, she is facing trial. Custodial interrogation of the petitioner is must for proper investigation in the matter as well as for effecting further recovery of contraband, if any. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

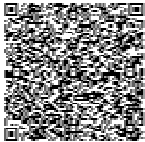
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and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by above named four co-accused, who were apprehended at the spot on 27.06.2024 and from whom, the aforementioned recovery of intoxicating drugs was effected. The allegations against petitioner are that she used to supply the contraband to the co-accused. The criminal antecedents of the petitioner are not clean as she is shown to be involved in two more cases of similar nature, as mentioned above. Since the petitioner is alleged to be the supplier of the intoxicating drugs, her custodial interrogation is required for conducting proper investigation in the matter. So far as the ratio of law as laid down by Hon'ble Supreme Court in ***Tofan Singh***'s case (supra) is concerned, the same stands clarified by Hon'ble Supreme Court in ***State of Haryana vs. Samarth Kumar : 2022(3) RCR (Criminal) 991***, wherein it has been held that the advantage of decision of ***Tofan Singh***'s case (supra) can be taken in regular bail application or at the time of final hearing after conclusion of trial and not while seeking concession of pre-arrest bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. Many useful

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information can be disinterred during custodial interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather her custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

08.05.2025
Naseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No