



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

CRM-M-19635-2025

Date of decision: 08.04.2025

Asha Rani

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Harpreet S Rakhra, Advocate for the petitioner.

Mr. Jastej Singh, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.30 dated 28.02.2025 under Section 21 of NDPS Act and Section 111 of BNS registered at P.S City-2, Khanna, Ludhiana.

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

“ Statement of Bikramjit Singh son of Binder Ram r/o Dadheri, PS Mandi Gobindgarh, Distt. Fatehgarh Sahib, aged 27 years Mob. 83372-15177. Stated that I am resident of above said address. I do private work, I am habitual to drugs. That Ganga d/o Sikander r/o Meat Market, Khanna, City2, Khanna, Distt. Ludhiana aged 18 years and Kamini @ Chiri d/o DesRaj r/o Meat Market, Khanna, PS City-2, Khanna, District Ludhiana aged 18 years above said, from them sometimes I had purchased intoxicating substance and I have spent lot of money., That above said both today also have got large quantity of heroine and are selling it. If now by going with me



a raid is made, then Ganga and Chiri alias Kamini both can be apprehended alongwith Heroine, the information being truthful and reliable action be taken. I was coming for informing at police Station,. You have met me at Katika chowk Khanna I have recorded my statement, heard it is correct, Sd/-Bikramjit Singh attested Sukhwinder Singh ASI PS.. City -2, Khanna dated 28.02.2025, Police Proceedings: Today I SI alongwith SI Baldev Singh No.315/Khanna, C. Gurpreet Singh NO. 552/Khanna Women constable Kamaljit Kaur No. 903/Khanna and PHG Balwinder Singh NO. 17878 were on private vehicles and were coming regarding patrolling and checking suspected persons at 7.40 pm and Khatika chowk, Khanna, then Birakramjit Sigh son of Binder Ram r/o Dadheri, PS Mandi Gobnindgarh, Dikstt.. Fatehgarh Sahib came to me and recorded his statement, which was written word by word and read over to him, who after reading his statement signed in Punjabi ascertaining the same to after be correct. The statement was attested by me SI, from the above said offence under Section 21/61/85 NDPS Act and 111 BNS is made out, so FIR be registered against Ganga and Kamini @ Chiri above said and the ruiqa is beig sent thorough PHG Balwinder sigh No. 1787 to the police Station after registration of case, the number of the case be informed, PCR Khanna and officers be informed, I SI alognwith fellow police personnel's are busy in investigation sd/-Sukhwinder sigh Ps CITY-2, Khanna dated 28.02.2025 at Khatika chowk, Khanna, 8.50 pm.”

3. Contention
On behalf of the petitioner

Learned counsel for the petitioner contends that the the petitioner has falsely been implicated on the basis of disclosure statement of co-accused Kamini @ Chiri from whom the recovery of the alleged contraband is effected to the tune of 12 grams of heroin, which is of non-commercial quantity. No further recovery is to be effected from the petitioner therefore custodial interrogation is not required.

Notice of motion.

On behalf of the State



On the asking of the Court, Mr. Jastej Singh, DAG, Punjab accepts notice on behalf of the respondent-State, who does not controvert the aforesaid facts and prays for denial of the concession of bail by submitting that custodial interrogation of the petitioner is required to ascertain the facts qua alleged recovery.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated on the basis of disclosure statement made by co-accused Kamini @ Chiri and that the alleged contraband falls under non-commercial quantity (250 grams) and also the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. 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 and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

08.04.2025

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| 1. Whether speaking/ reasoned | : | Yes /No |
| 2. Whether reportable | : | Yes /No |