

**IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH**

Sr. No.: 105

Criminal Miscellaneous No.M-19753 of 2025**Date of Decision: April 09, 2025**Amanpreet Kaur

..... PETITIONER(S)

VERSUSState of Punjab

..... RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**PRESENT:** - Mr. Suram Singh Rana, Advocate, for the petitioner.**SANDEEP MOUDGIL, J (Oral)****1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail in case FIR No.045 dated 23.03.2025 under Section 22B of Narcotics Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Mehatpur, District Jalandhar (Rural).

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

“To SHO, PS Mehatpur, Jai Hind, Today, I, SI alongwith Sub Constable Harjinder Singh Belt No. 1268/Jal, S/C Harjit Singh Belt No. 1151/Jal., Sub Lady Const. Kiranjit Kaur belt no. 208/PAP were travelling vide a got. vehicle model Scorpio bearing no. PB-65-BH-0763 whose driver was PHG Jaspal Singh 27794 and we were on patrolling duty to check for and tackle suspicious elements of the society and we were travelling from PS Mehatpur towards village and when we reach the turn of Mehatpur link road, Ismailpur we saw one young hindu boy coming from direction of link road of Ismailpur and was walking on the left side of road. That person on seeing the police party approaching him, took out a black polythene bag from the right pocket of his black coloured trousers and threw out on the ground. On getting suspicious about the same, he was apprehended with the help of fellow police officials. On enquiring, he disclosed his name as Jagdeep Singh @ Deepa S/o Late Joginder Singh, R/o Village Mehatpur, Distt. Jalandhar. He was asked about the



contents of the black polythene bag which was thrown on the ground. On asking Jagdeep Singh @ Deepa, he disclosed that the said bag contained intoxicating tablets. Afterwards, I asked Jagdeep Singh @ Deepa in the presence of other police officials to pick up the said black polythene bag, which was then checked. Inside, we found loose intoxicant tablets. The tablets were then counted by me and the police officials, we found that they were total 120 loose intoxicant tablets. Afterwards, the said loose tablets recovered, were kept in a separate polythene and then ultimately in a separate plastic bag and a parcel docket was prepared accordingly, & the said parcel was sealed and signed using my stamp bearing my initials "G.S." and were taken into police custody for evidentiary purposes and a sample was prepared separately, which was also stamped by my stamp bearing my initials "G.S." and it was later on handed over to Sub/Constable Harjinder Singh Belt No. 1268/Jal. The abovesaid accused namely Jagdeep Singh @ Deepa S/o Late Joginder Singh, R/o Village Mehatpur, Distt. Jalandhar has kept in his custody 120 loose intoxicating tablets and thus have committed offence Us 22 (B)-61,85 NDPS Act. Afterwards, I, SI prepared a Ruga and sent vide PHG Jagpal Singh 27794 and sent to PS to register case against abovesaid accused Us the abovesaid sections of NDPS Act. Case no. be intimated after registration of FIR. Control room may also be informed accordingly. Special Report be prepared and sent to Illaga Magistrate and Senior Police Officials for their perusal. I, SI alongwith other P.O. am busy conducting further investigation at the spot. Today, at Mehatpur, Link Road at 04:10 PM, Sd/- SI Gurnam Singh, PS Mehatpur, dated 23.03.2025. At PS case was registered against Jagdeep Singh @ Deepa S/o Late Joginder Singh, R/o Village Mehatpur, Distt. Jalandhar under abovesaid sections of NDPS Act and a copy of FIR was sent vide PHG Arinda to the spot of investigation for further action. Special Reports were issued and were sent for perusal of Illaga Magistrate and other Senior Officials vide S/Ct. Kuldeep Singh 1153/Jal. Control Room was also informed accordingly. Crime No. 24 dated 23.03.2025, At 4:55 PM."

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that nothing has been recovered from the petitioner. Whatever is alleged to be recovered, has



been effected from the co-accused i.e. 120 loose tablets. Otherwise also, story of the prosecution is not full proof particularly in view of the fact that merely 120 loose tablets were being carried in a polythene bag as has been alleged by the police and on seeing the police team, same were also thrown away without any reason whatsoever. It is highly improbable that carrying certain tablets i.e. small quantity of 120 loose tablets in the nature can easily be carried in the pocket and need not to be thrown away merely on seeing a police party. He further submits that allegations against the petitioner have been alleged because of enmity of co-accused Jagdeep Singh @ Deepa with the husband of the petitioner. He submits that it is the petitioner's husband who is facing conviction out of surmises and she has been involved in the FIR without any cogent material or incriminating material against her. He further submits that the petitioner is willing to join the investigation.

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. He submits that 120 loose intoxicant tablets have been recovered from the co-accused, who in his disclosure statement stated that he brought the same from the petitioner. Thus, custodial interrogation of the petitioner is necessary to unearth the drug cartel being run by the petitioner in conspiracy with co-accused Jagdeep Singh @ Deepa.

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4. **Analysis**

Be that as it may, considering the fact that petitioner has been implicated on the basis of disclosure statement; there is no other offence of similar nature against the petitioner; no recovery is to be effected from the petitioner and she is ready to join the investigation, custodial interrogation of the petitioner is not required.

5. **Relief**

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 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;



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(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

April 09, 2025
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No