

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31997-2025
Reserved on: 11.08.2025
Pronounced on: 21.08.2025

Amarjit Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Tushar Sharma, Advocate,
for the petitioners.

Ms. Pooja Nayar Sharma, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
54	14.04.2025	Cantonment, Distt. Amritsar	21-B/29/61/85 of NDPS Act and Section 111 of BNS, 2023

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 12 of the bail petition, the petitioners have no criminal antecedents. However, as per paragraph 15 of the status report, the accused have the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	35	17.10.2023	323, 325, 452, 506, 148, 149 IPC	Cantonment, Amritsar

3. Vide order dated 10.06.2025, the petitioners were granted interim bail, which continues to date.

4. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“3. That the deponent humbly submits that the brief facts of the present case FIR No.54, dated 14.04.2025 under Sections 21B/61/85 NDPS Act and 111 BNS, PS Cantonment, Amritsar are that on 14.04.2025, the co-accused Jaideep Singh alias Jajji S/o Amritpal Singh was apprehended by the police party headed by ASI Gurpreet Singh, Police Station Cantonment, Amritsar and 10 grams of heroin was recovered from his conscious possession, which was taken into police possession in accordance with law. Hence, the present case FIR no.54, dated 14.04.2025 (supra), was registered in this respect and the above said accused Jaideep Singh @ Jajji was arrested in this case.

4. That the deponent humbly submits that the accused Jaideep Singh @Jajji along with parcel of contraband was produced before the jurisdictional Ld. Court. The proceedings under Section 52A NDPS Act were initiated and police remand of the accused was granted by the Ld. Magistrate.

5. That the deponent humbly submits that during investigation of the present case FIR No.54, dated 14.04.2025 (supra), based on the disclosure statement dated 17.04.2025 suffered by the accused Jaideep Singh before the Investigating Officer, one Sarabjit Singh @ Ganja son and brother of the present petitioners respectively were nominated as co-accused vide GD No.32, dated 17.04.2025 as it was disclosed that the above recovered 10gram heroin was purchased from Sarabjit Singh @ Ganja by him.

6. That the deponent humbly submits that during the course of investigation of the present case FIR No. 54, dated 14.04.2025 (supra), the above said accused Sarabjit Singh @ Ganja was arrested on 23.04.2025 and was subjected to investigation, during which he suffered voluntary disclosure statement before the Investigating Officer that he along with his mother Amarjit Kaur (petitioner no. 1) and sister Simran (petitioner no. 2) is involved in selling heroin and both of them (petitioners) used to bring him heroin from someone at village Basarke. Therefore, based on the aforesaid disclosure statement, the present petitioners Amarjit Kaur and Simran Kaur were also nominated as co-accused in this case on 23.4.2025.

7. That the deponent humbly submits that during the course of investigation of the present case FIR No.54, dated 14.04.2025 (supra), in pursuance to the order dated 10.06.2025 passed in the present petition by this Hon'ble Court, both the petitioners Amarjit Kaur and Simran Kaur joined the investigation on 02.07.2025 but they both did not cooperate with the investigating officer and have not disclosed anything about the origin of the contraband. They both were released on bail upon furnishing bail/surety bonds to the satisfaction of the investigating officer.

8. That the deponent humbly submits that the parcel of the contraband recovered from the accused Jaideep Singh @ Jajji was deposited in RTFSL, Amritsar for scientific examination and the report thereof was received. Thereafter the final investigation report/challan of the present case FIR No.54, dated 14.04.2025 (supra) qua the present petitioners Amarjit Kaur, Simran Kaur and co-accused Sarabjit Singh @ Ganja and Jaideep Singh was presented on 14.07.2025 before the jurisdictional Ld. Court.”

5. The petitioners’ counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioners and their family.

6. The petitioners’ counsel submits that the petitioners would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioners repeat the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Special Judge or Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioners shall have no objection.

7. The State’s counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which

reads as follows:

“THE EVIDENCE AGAINST THE PETITIONER.

12. That the deponent humbly submits that the prosecution evidence against the petitioners was primarily based on the disclosure statement of the co-accused Sarabjit Singh @ Ganja. However, cancellation report has been presented in this case in the Ld. Court.

THE ROLE OF THE PETITIONER.

13. That the deponent humbly submits that as per the disclosure statement suffered by the co-accused Sarabjit Singh @ Ganja, he along with his mother Amarjit Kaur (petitioner no. 1) and sister Simran (petitioner no. 2) is involved in selling heroin and both of them (petitioners) used to bring him heroin from someone at village Basarke.”

REASONING:

9. It would be appropriate to refer paras 9 and 10 of the status report, which reads as follows:

“9. That the deponent humbly submits that as per the report of RTFSL, 'Diacetylmorphine' (heroin) was not found present and Dexhlorpheniramine' was found present in the content of the contraband recovered from the co-accused Jaideep Singh. Hence, a report has been obtained from the Drugs Control Officer, Amritsar-III-cum-Amritsar Public Prosecutor, who opined that the salt 'Dexhlorpheniramine' found present in the test report is not involved in NDPS Act. Therefore, based on this report, a cancellation report under Section 193 BNSS was prepared on 01.08.2025 in the present case FIR No. 54, dated 14.04.2025 (supra), which has been presented on 07.08.2025 before the Ld. Trial Court i.e. Court of learned Additional Sessions Judge, Amritsar, which is pending for adjudication before the learned Trial Court.

THE NAME AND TOTAL WEIGHT OF THE DRUG.

10. That the deponent humbly submits that the name of the drug is 'Dexhlorpheniramine' and total weight of the drug is 10 grams.

10. Given above, since the drug Dexhlorpheniramine does not prima facie fall in the list of manufactured drugs of psychotropic substances anywhere in the NDPS Act, there is no apprehension of petitioners' arrest, as such, the present petition is allowed. However, since the offence under section 111 of BNS is a non-bailable offence, as such, given the entirety of facts and circumstance, the petitioners are entitled to bail.

11. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

12. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioners are women and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioners make a case for bail.

13. The investigation indicates that the petitioners are not the main accused, so the petitioners' bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role.

14. Given above, provided the petitioners are not required in any other case, the petitioners shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

15. While furnishing a personal bond, the petitioners shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the petitioners' complying with the following terms.

17. The petitioners are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioners shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioners shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioners shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

18. The petitioners shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioners shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

19. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum

sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioners notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

20. The significant consideration for granting bail is that the Court aims to give the petitioners another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioners also abide by the assurance made on the petitioners' behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

21. This bail is conditional, with the foundational condition being that if the petitioners repeat the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, or 24, or 27-A of the NDPS Act, the State shall file an application to revoke this bail before the Special Judge/ Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

22. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

23. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

24. **Petition allowed** in terms mentioned above. The interim order dated 10.06.2025 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.08.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.