



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

104

CRM-M-32174-2025
DATE OF DECISION: 18.06.2025

POOJA DEVI

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.K. Bishnoi, Advocate for the petitioner(s).

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)1. Prayer

This petition has been filed under Section 482 BNSS 2023 with a prayer for grant of anticipatory bail to the petitioner in FIR No. 279 dated 29.05.2025 registered Under Section 21B NDPS Act 1985 (Act No. 61), and section 27-A of NDPS Act 1985 (added later on), at Police Station City Sirsa, District Sirsa, Haryana.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

‘To Incharge Police Station City Sirsa, district Sirsa, Jai Hind. Today I, ASI along with EHC Rajesh Kumar No.1160 Sirsa, EHC Jaipal No.588/Sirsa, constable Gurpreet Singh number 1165 sirsa, Lady constable Maya No.1516 Sirsa, of crime branch Ellenabad were on patrolling in government vehicle HR24GV2222 driven by EHC Bhajamal Lal 762/Sirsa along with private laptop and printer were present on crime patrolling duty at Patel Chowk Rania Gate Sirsa and going to Pathri Mata Mandir, then we saw



that a young person was coming from the front side and on seeing the police party he got afraid and tried to enter into a house then I sub inspector on having doubt of committing a crime, apprehend the said boy with help police personals. On asking he told his name as Pawan Singh@ kaku son of Baldev Singh resident of Jhorarnali District Sirsa. On having doubt of any suspicious substance, I, ASI issued notice under section 50 of the NDPS Act to abovesald Pawan Singh@ kaku son of Baldev Singh resident of Jhorarnali that' 'I ASI Sukhdeep Singh No.171/Sirsa crime branch Ellenabad, give notice to you 'Pawan Singh@ kaku son of Baldev Singh resident of Jhorarnali District Sirsa, that I am having doubt of having some contraband in your possession, your search is to be made in respect to drug substance. You have legal right to be that you should be taken to any magistrate or the Gazated officer for search or magistrate or the Gazated officer can be called on the spot for your search. Please clarify your wish about search. After hearing and understanding the notice, abovesaid Pawan Singh@ Kaku son of Baldev Singh resident of Jhorarnali District Sirsa, got written his reply that' I Pawan Singh@ kaku son of Baldev Singh resident of Jhorarnali District Sirsa, have understood the notice, I want my search should be made in presence of the Gazated officer. On notice and reply of notice, above said Pawan Singh@ Kaku son of Baldev Singh put his thumb impression and witnesses signed on it. Thereafter on 03:52 I made call to gazated officer Sh. Ravinder Singh Malik Tehsildar Nathusari Chopta who is gazated office appointed by Deputy commissioner Sirsa, on his mobile 8059999999 from my mobile no. 9416721026 and got 10 him acquainted with the facts on spot. On that gazated officer Sh. Ravinder Singh Malik Tehsildar Nathusari Chopta told that I am on my residence at Ellenabad, to whom you have apprehended, bring before me in same situation, and make the search before me. During this 5/6 unknown person came on spot and they were asked to be part of proceedings, by telling own hardships they all went from the spot. Thereafter at about 05:30 PM I alongwith police party, alongwith the accused Pawan Singh @ Kaku son of Baldev Singh to Sh. Ravinder Singh Malik Tehsildar Nathusari Chopta at



residence at Ellenabad court. We presented the accused Pawan Singh @ Kaku son of Baldev Singh before the Gazated officer. On that Gazated officer Sh. Ravinder Singh Malik Tehsildar Nathusari Chopta saw the notice, and replty thereafter made enquiry from Pawan Singh @ Kaku son of Baldev Singh, thereafter he did my search and thereafter directred to make search of Pawan Singh @ Kaku. I did the search of the abovesaid person in presence of the gazated officer, then from the clothes of him, from right side pocket of pant of blue color, of Pawan Singh @ Kaku a transparent polythene was found, on opening and checking heroin (Chitta) was recovered from it. On weighting it from the computerized machine, weight of the recovered heroin was found 10.01 gram heroin. I made parcel of the recovered heroin alongwith transparent polythene and sealed with stamp SS/3 and prepared sampleseal. Thereafter I presented the parcel of 11 the recovered heroin and sample parcel to gazated officer. Gazateed officer Sh. Ravinder Singh Malik Tehsildar Nathusari Chopta sealed the parcel and the sample parcel with his stamp SK/1. The proceedings of the search were recorded in E-shakshya app by EHC Bhajan Lal 762/Sirsa, crime branch Ellenabad in his own mobile. Recovery parcel of 10.01 Grams heroin/Chitta with seal of SK/3 and sample Parcel of heroin sealed with SK/1 were taken in police possession through recovery memo, on recovery memo abovesaid accused Pawan Singh @ Kaku put his left hand thumb impression and the witnesses signed. gazated officer attested the property seizure memo, heroin parcel and sample seal. After use I handed over the stamp to EHC Rajesh Kumar No.1160/Sirsa and gazated officer kept is seal with him only. On my inquiry the above-said Pawan Singh @ Kaku told that he has purchased this recovered heroin from Pooja wife of Sunil r/o Rinku MC Street near Pathri mata Mandir, Thehar Mohalla. Therefore Pawan Singh@ kaku son of Baldev Singh resident of Jhorarnali District Sirsa keeping 10. gram 0.1 milligram heroin in his possession and Pooja wife of Sunil by selling it, have committed offences under section 21B, 61, 85 of NDPS Act. By writing endorsement for the same is being send for registration of case



through lady constable Maya 1516/sirsa crime branch Ellenabad, after registration of the case, case number be informed. Second IO be sent for investigation of the present case. I, ASI along with police personals is going to place of occurrence. Today at Tehsildar residence, court complex Ellenabad/ SD/-Sukhdeep Singh ASI no.171/Sirsa, crime branch Ellenabad, dated 29.05.2025 at time 06:30 PM. Today on receipt of the information through through lady constable Maya 1516/sirsa, FIR no. 279 DATED 29.05.2025 under section 21B/61/85 NDPS Act 1985 registered at police station City Sirsa. Computer copies of FIR prepared and sent to higher officials. Original copy is being sent through lady constable to hand over to IO. Second investigation officer namely Gurmesh PSI has been informed to go to spot. Copies of FIR were prepared and being sent to higher officials and the area magistrate through post.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. He submits that the petitioner was not named in the FIR and on the basis of the disclosure statement of co-accused Pawan Kumar @ Kaku, she was nominated as an accused in the present FIR. He further submits that alleged recovery of contraband measuring 10 grams 0.1 milligram which is non-commercial in nature was recovered from co-accused and not from the petitioner.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.



On behalf of the State

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that custodial interrogation of the petitioner is required to disclose the source from where she brought the recovered contraband as she is the seller of that contraband.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the facts that nothing has been recovered from the present petitioner; the petitioner was named on the basis of the disclosure statement of co-accused; the recovery effected is non-commercial in nature; no direct evidence has been produced by learned State Counsel, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. **Relief**

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS of 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 one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

18.06.2025
anuradha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No