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2025:PHHC:076207



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32216-2025
DECIDED ON: 17.06.2025

SANDEEP KAUR ALIAS SHERNI ALIAS KRISNA RANI
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: None for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 of B.N.S.S, act 2023 for grant of anticipatory bail to the petitioner in case FIR no.77 dated 13-05-2025 registered u/s 22/29/61/85 of NDPS Act P.S Garhshankar, Distt. Hoshiarpur.

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

"SHO PS Garhshankar Jai Hind. Today myself ASI alongwith ASI Ravish Kumar 1935, ASI Jaspal Singh 1819, L/Ct Anita 27/216, PHG Rukmani Devi 26778, were present at Village Denowal Khurd Basti Sansian, P sGarhshankar, in connection with patrolling and checking of bad elements, in a private vehicle alongwith laptop and printer, Pen drive and Investigation kit, when the police party turned inside the Basti Sansian Street then one old aged woman, tried to quickly turn

towards her house on seeing the police party. On which myself ASI, on the basis of suspicion, apprehended the woman with the help of fellow policemen and enquired regarding her name and address, who disclosed her name as Amarjit Kaur w/o Nirmal Chand r/o Denowal Khurd PS Garhshankar Distt. Hoshiarpur aged around 62 years. To whom myself ASI informed regarding my name and designation and posting and said that, "I have suspicion that there is some objectionable article in your possession and in the plastic bag carried by you in your left hand, due to which a search has to be conducted of your person and the plastic bag carried by you in your left hand but you have legal right to get your search and search of the plastic bag carried by you in your left hand to be carried out in the presence of a gazette officer or a Magistrate, for which arrangements can be made at the spot or you can be taken to him". Upon which the abovesaid Amarjit Kaur orally said that she does not want her search to be conducted by any Gazetted officer or Magistrate, I have full faith in you only you can conduct my search. Upon which the separate consent memo of the abovesaid Amarjit Kaur was prepared and notice u/s 50 NDPS Act was given. Who then put her signatures on the consent memo and the witnesses put their signatures. Upon this before conducting the search of the abovesaid suspect Amarjit Kaur a public witness was tried to be involved in the police party but no one joined the police party by expressing his inability. Upon this myself ASI, while keeping in mind the modesty of a woman, got the search of the abovesaid Amarjit Kaur conducted from L/Ct Anita 27/216. During the search, the search of plastic bag held by abovesaid Amarjit Kaur in her left hand was carried out, during the search of the plastic bag, one plastic box was recovered with unlabeled injections covered in cotton, which on counting were found to be 15. That the abovesaid Amarjit Kaur did not produce any doctor prescription or bill allowing her to keep intoxicant injections with her. After recovery of the intoxicant injections, these

were put in same plastic box and parcel was prepared which was sealed with my seal bearing SS and these were taken into police custody vide separate memo. Recovery memo was prepared separately. Witnesses put their signatures on the memo. Sample Seal SS was prepared separately and the seal after use was handed over to ASI Ravish Kumar 1935 and videography was also done at the spot with the help of SAKSHA App. That abovesaid Amarjit Kaur has committed offence u/s 22-61-85 NDPs Act by keeping unlabeled 15 intoxicant injections in her possession. Upon which Ruwa is hereby reduced into writing and sent by hand PHG Rukmani Devi 26778 to police station for registration of an FIR. FIR number be intimated after registration. Special reports be prepared and sent to higher officials. Control room be informed. Myself ASI alongwith fellow policemen am busy in investigation at the spot. Sd/- Satnam Singh ASI Incharge Chowki Samundra PS Garhshankar Distt. Hoshiarpur dated 13-05-2025. Today in the area of Vill. Denowal Khurd Basti Sansian at 2:15 PM."

3. **Contention**

On behalf of the petitioner

It has been contended in the petition that the petitioner was not initially named in the FIR but was subsequently roped in on the basis of disclosure statement of co-accused Amarjit Kaur, from whose possession the alleged contraband i.e. 15 intoxicant injections were recovered. It has been further contended in the petition that nothing has been recovered from the present petitioner and that the custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from her as the alleged recovery was already effected from co-accused Amarjit Kaur. The petitioner is ready and willing to join the investigation and cooperate with the

investigation officer concerned, as is evident from para No.7 of the present petition.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Sandeep Singh, AAG, Punjab accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the present petitioner is the main supplier of the alleged contraband involved in the instant FIR. He further submits that the FSL report is still awaited, and the name of the contraband has not been mentioned in the FIR or in any of the subsequent recovery memos or proceedings conducted by the Investigating Officer so far.

4. **Analysis**

Be that as it may, considering the undertaking given before this Court by the petitioner vide para No.7 of the petition that he is ready and willing to join the investigation and cooperate with the investigation officer concerned as well as the fact that the contents of the injections allegedly recovered from the present petitioner i.e. 15 intoxicant injections is not known as is admitted position before this Court emerging out of the submissions made by learned State counsel. It seems that the police party was under some obligation to implicate more and more people especially those who might have been involved in drug peddling at one point of time or were involved in other cases facing trial in an endeavour to their slogan i.e. 'Ek Yudh Nashe Ke Virudh' to make State drug free.

This Court must appreciate the efforts and the intent of the State authorities but that needs to be in right earnest with clear intent and not with biased and unfair means to achieve some targets in numbers.

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. 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, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

17.06.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No