

2025:PHHC:076369



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

**CRM-M-32809-2025
DECIDED ON: 19.06.2025**

REKHA RANI**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. J.S. Sekhon, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.72, dated 25.05.2025, under Sections 21/22 of the NDPS Act (Section 29 of NDPS added later on) registered at Police Station Balachaur, District SBS Nagar.

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

“Incharge, Police Station Balachaur, Jai Hind. Today, I, SI/SHO, along with ASI Om Parkash No. 131/SBSN, HC Amandeep Kaur No. 1132/SBSN, PHG Bhag Singh No. 26631, and official laptop, printer, investigation kit, and government vehicle bearing registration number PB-65BG-6338 (driven by Constable Nona Singh No. 917), were on patrol and checking duty in connection with suspicious persons. The

police party was patrolling from Balachaur towards village Mehatpur Ulladani. At approximately 06:00 PM, when the police party reached near a kutcha path shortly behind village Mehatpur, a clean-shaven young man was seen approaching on foot from the opposite side. I, SI, signaled him to stop, but upon seeing the police party, he turned around and started running. While fleeing, he was seen by me throwing an object towards the grass and bushes. On suspicion, I immediately got down from the vehicle and, with the help of accompanying staff, apprehended the young man. On questioning, he disclosed his name and address as Davinderjit s/o Kishan, resident of Samrari, Police Station Phillaur, District Jalandhar. I identified myself by name, rank, and designation and introduced the members of the police team, informing him that I am posted as the Station House officer of Police Station Balachaur and that these are my police station colleagues. Before conducting the search of the item thrown by the apprehended person, I attempted to include public witnesses in the police party, but no one agreed to join and everyone cited their personal reasons. Thereafter, I took Davinderjit along and reached the spot where he had thrown the above said item. On retrieving and examining the item, it was found to be: One transparent envelope containing a total of 02 strips of intoxicating tablets, with each strip containing 15 tablets, totaling 30 tablets, branded as Alprazolam Tablets IP 0.5 mg ALPRALIN- 0.5, light orange in color, with batch numbers scratched off; and Another transparent envelope containing heroin. The recovery process was recorded via e-Shakshya App videography. Then, I weighed the recovered heroin using the electronic scale available with me. The total weight, including the envelope, came to 05.36 grams. On being asked, Davinderjit failed to produce any license, permit, or doctor's prescription for possessing the intoxicating tablets and heroin. Thereafter, I took the recovered items i.e. The two strips of intoxicating tablets each strip containing 15/15 tablets total 30 intoxicating Tablets Mark "Alprazolam Tablets IP 0.5 Mg ALPRALIN-0.5" Color Light Orange, whose batch numbers were scratched off and the recovered heroin, which were

then placed back into the same transparent envelopes. These envelopes were placed inside a yellow heat-proof envelope, which was then sealed to prepare a parcel. The parcel was sealed using my personal seal marked RS, and three separate sample seals marked RS were also prepared on three separate slips. The seal, after application, was handed over to ASI Om Prakash No. 131/SBSN for custody. The recovered case property parcel-a yellow-colored heat-proof envelope containing: One transparent envelope with a total of 02 strips of intoxicating tablets, each strip having 15 tablets, totaling 30 tablets, branded Alprazolam Tablets IP 0.5 mg ALPRALIN-0.5, light orange in color, with batch numbers scratched off; and One transparent envelope containing heroin weighing 05.36 grams including envelope- was sealed with the personal seal RS, and three separate sample seals marked RS were also prepared. This parcel and sample seals were taken into police custody through a separate memo as evidence. The accused Davinderjit, by keeping in his possession: The total 02 strips of 30 intoxicating tablets of the brand Alprazolam Tablets IP 0.5 mg ALPRALIN-0.5 with batch numbers scratched off; and Heroin weighing 05.36 grams including the envelope, has committed an offence under Sections 21/22/61/85 of the NDPS Act. Accordingly, a "Rukka" (written report) is being sent through PHG Bhag Singh No. 26631 to the Police Station for registration of FIR against accused Davinderjit s/o Kishan r/o Samrari, Police Station Phillaur, District Jalandhar, and a report under Section 57 NDPS Act is being sent separately to the supervising officer. After registration of the FIR, the FIR number be communicated. Special reports should be prepared and sent to the Control Room, and intimation be given accordingly. I, along with SI/SHO and accompanying staff, am currently engaged in on-site investigation. Sd/ Rakesh Vinder Singh"

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure statement made by

co-accused Davinder Jeet from whom the recovery of 30 intoxicating tablets containing salt Alprazolam IP 0.5 MG (ALPRALIN-0.5) and 05.36 grams of heroin has been effected. He undertakes on behalf of the petitioner that she is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Sandeep Singh, AAG Punjab, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating that the petitioner was nominated by her co-accused Davinder Jeet Singh, who in his disclosure statement stated that he took the 30 intoxicating tablets and 5.36 grams of heroin from the present petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the fact that recovery of contraband i.e., 30 intoxicating tablets and 5.36 grams of heroin was not effected from the conscious possession of the petitioner and except the disclosure statement of co-accused no other incriminating material has been put forth by the State to connect the petitioner with the alleged contraband, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to her

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.

(SANDEEP MOUDGIL)
JUDGE

19.06.2025

Meenu

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