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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41311-2025 (O&M)
DATE OF DECISION: 04.08.2025

JASWINDER KAUR @ JASSI

...PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Navinder Jit Singh Dandiwal, Advocate
for the petitioner(s).
Mr. TPS Walia, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Prayer**

This petition has been filed under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No. 69 dated 04.04.2025 registered under Sections 22, 29, 61 and 85 of NDPS Act (Section 111 of BNS added later on) at P.S. Dharamkot, District Moga.

2. **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 present FIR and she was later on nominated under Section 29 of the NDPS Act on the basis of the disclosure statement made by co-accused. He further submits that



since in the present FIR there is alleged recovery of 80 loose tablets from the Nirmal Singh and 65 loose tablets from co-accused Ricky Gaba, hence, the false implication of the present petitioner cannot be ruled out.

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 in the present case recovery of loose tablets have been effected from the co-accused, however is not in a position to controvert the submissions made by learned counsel for the petitioner.

3. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties the Court has observed that the petitioner was not named in the present FIR and was subsequently implicated under Section 29 of the NDPS Act solely on the basis of the disclosure statement made by a co-accused, moreso, in the present FIR, the alleged recovery pertains to 80 loose tablets from accused Nirmal Singh and 65 loose tablets from co-accused Ricky Gaba hence, in view of the nature of the recoveries and the absence of any independent incriminating material against the petitioner, her false implication in the case cannot be ruled out at this stage.



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.

4. **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 her 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

04.08.2025
anuradha

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>