

2025:PHHC:149275



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48140-2025

Date of decision: October 30, 2025

Pooja

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of concession of anticipatory bail to the petitioner in case FIR No.142 dated 01.08.2025, registered for offences punishable under Sections 21/29/61/85 of the NDPS Act, 1985, at Police Station Salem Tabri, District Ludhiana.

2. On 01.09.2025, the following order was passed:

"Apprehending her arrest in FIR No.142 dated 01.08.2025, registered for offences punishable under Sections 21/29/61/85 of the NDPS Act, 1985, at Police Station Salem Tabri, District Ludhiana; the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking pre-arrest bail.

Inter alia, contends that the petitioner is sought to be implicated into the FIR in question solely on the basis of a disclosure statement made by co-accused from whom the contraband in question has been allegedly recovered, & the petitioner is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the petitioner has relied upon the dicta of the judgments of the Hon'ble Supreme Court in 'Vijay Singh versus The State of Haryana' bearing Special Leave to Appeal (Crl.) No(s).1266/2023, 'State by (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr' 2022(1) RCR (Criminal) 762, 'Tofan Singh vs. State of Tamil Nadu, AIR 2020 Supreme Court 5592, 'Smt. Najmunisha, Abdul Hamid Chandmiya @ Ladoo Babu

vs. State of Gujrat, Narcotics Control Bureau' 2024 INSC 290 and 'Jugraj Singh Vs. State of Haryana bearing Special Leave to Appeal (Crl.) No.9190/2025.

Notice of motion.

On the strength of advance notice; Mr. Gurpartap S. Bhullar, AAG Punjab has entered appearance on behalf of the respondent-State of Punjab.

Adjourned to 30.09.2025.

The petitioner is directed to appear before the Investigating Officer on 05.09.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023."

2.1. Thereafter, on 30.09.2025, the following order was passed:

"Learned State counsel (on instructions) has submitted that the petitioner has not joined investigation, in terms of order dated 01.09.2025.

This position is disputed by learned counsel appearing for the petitioner.

Without delving into the rival contentions regarding this aspect of the matter, the petitioner is now directed to appear before the concerned Illaqa Magistrate on 06.10.2025 at 11:00 AM. The concerned Investigating Officer shall also remain present before the said Court on that day at 10:00 AM, whereupon the concerned Illaqa Magistrate shall ensure that the petitioner joins the investigation, in terms of earlier order dated 01.09.2025.

List on 30.10.2025."

3. Learned State counsel (on instructions) has submitted that pursuant to the aforesaid order, the petitioner has indeed joined investigation and her custodial interrogation is not required.

4. Keeping in view the factual milieu of the case in hand, especially the factum of the petitioner having joined investigation, she is not required for custodial interrogation, and she being arrayed as an accused on the basis of disclosure statement, this Court is inclined to confirm the order dated 01.09.2025, in light of the *dicta* of judgment passed by this Court in ***CRM-M-54032-2024 'Ashu Vs. State of Punjab'*** and the judgment passed by the Hon'ble Supreme Court in '***Jugraj Singh Vs. State of Haryana*** bearing ***Special Leave to Appeal (Crl.) No.9190/2025.***

5. Accordingly, the petition is allowed, and the order dated 01.09.2025 granting interim anticipatory bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS.
6. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 482(2) of BNSS or upon showing any other sufficient cause.
8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
9. Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

October 30, 2025

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No