

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

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2025.PHHC.172691



**CRM-M-54647-2025 (O&M)
Date of decision: 10.12.2025.**

SURBHI @ SURVI**...Petitioner(s)****VERSUS****STATE OF PUNJAB****...Respondent(s)****CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Jasdev Singh Mehndiratta, Sr. Advocate, with
Ms. Jyotnoor Kaur, Advocate, and
Ms. Tanveer Kaur, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.47 dated 12.03.2025, under Section(s) 22 of the Narcotic
Drugs and Psychotropic Substances Act, 1985, (Section 29 of the NDPS Act
and Section 317(2) of the Bharatiya Nyaya Sanhita, 2023 added later on),
registered at Police Station City Rajpura, District Patiala.

2 The FIR in the case in hand has been registered on the basis of
ruqa sent by ASI Nishan Singh, which reads thus: -

*“Today I ASI Nishan Singh 1231/PTL along with ASI
Jagdev 1719/PTL, HC Harminder Singh 1177/PTL, SC
Ramandeep Singh 1601/PTL along with laptop printer and*

investigation kit on a private Scorpio vehicle, were present in connection with search of bad men at T-Point KSM Road, Near Electricity Board Chowk Rajpura. It must have been around 10:30 PM when an unregistered motorcycle brand Splendor was seen coming from the side of KSM Road, on which three young men were riding. The driver of the motorcycle stopped his motorcycle after seeing the police party standing ahead and immediately started reversing the motorcycle, but all three youths fell on the road along with the motorcycle. At that moment, the youth sitting on the middle seat of the motorcycle got up and took out a transparent polythene bag from the right pocket of his pants and threw it on the roadside with his right hand. He was apprehended by ASI Nishan Singh 1231/PTL with the help of his fellow employees, who could clearly see narcotic powder in the above said thrown transparent polythene bag. At this, ASI Nishan Singh 1231/PTL contacted me the INSP/SHO through his mobile phone and requested me to reach at the spot. On which I INSP/SHO along with PHG Bikramjit Singh arrived at the spot in a government Scorpio vehicle bearing No.PB65-BG-8780, driven by ASI Ajaib Singh 3106/PTL. There, police party including ASI Nishan Singh 1231/PTL and aforesaid three arrested youths were found present. On which, I INSP/SHO tried to join private witnesses in the police party at the spot, but no individual was ready to become a witness. At this, I, INSP/SHO asked names and addresses of above said three youths. To which, motorcycle driver revealed his name as Gulshan son of Sohan Lal, resident of House No.100, Old Mirch Mandi, Ward No. 11, Near Ganesh Nagar and Patel School, Rajpura. Second youth sitting in the middle of the motorcycle revealed his name as Vicky son of Banarasi Dass alias Banarasi Nath, resident of House No. B-1/2784, Prem Singh Colony, Near Dudhadhari Gurudwara Sahib, Rajpura. Third youth sitting at the end of the motorcycle revealed his name as Sikander alias Lilly son of Raju alias Gurdev, resident of House No. 45, Old Mirch Mandi, Ward

No.11, Near Ganesh Nagar and Patel School, Rajpura. The narcotic powder was clearly visible in the transparent plastic envelope thrown by the driver. Upon which, I INSP/SHO picked up the transparent polythene bag, opened it, sniffed it and checked it. It was found containing narcotic powder. They also told that it is intoxicant powder. After this above said recovered bag containing intoxicant power was weighed on a computer weighing scale. On weightment it was found 550 grams of intoxicant powder alongwith polythene envelope. After this, above said polythene bag containing 550 grams of intoxicant power was put in a plastic box to prepare a parcel. Thereafter I Insp/SHO conducted personal search of Gulshan, Sikander and Vicky. During the same, from the right pocket of lower worn by Gulshan total 200 currency notes of the denomination of Rs.100/- each thus, total making Rs.20,000/- were recovered. From the right pocket of the pent worn by accused Sikander, 200 currency notes of the denomination of Rs.100/-each, thus, total Rs.20,000/- were recovered. Accused Gulshan, Sikander and Vicky were asked about the same. They told that this money has been earned after sale of intoxicant drugs.”

3 Learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner has been nominated as an accused solely on the basis of the disclosure statement made by a co-accused. It is contended that the petitioner was thereafter taken into custody along with one Nisha, from whose possession 520 grams of intoxicating powder was allegedly recovered. In contrast, the only recovery effected from the petitioner was a sum of ₹2,92,100/-. Counsel further submits that no contraband has been recovered from the petitioner. The amount recovered from her possession is stated to be duly accounted for, having been obtained by the petitioner through the

mortgage of her ornaments, for which a specific receipt was issued to her. Counsel also contends that the recovered amount cannot be treated as “drug money” and there exists no other material to connect the petitioner with the alleged offence and her implication is solely on account of her acquaintance with co-accused Nisha. Counsel submits that the petitioner has been in custody since 13.03.2025 and is not involved in any other criminal case.

4 State Counsel, on the other hand, does not dispute that the petitioner’s name surfaced only in the disclosure statement of the co-accused from whom 550 grams of contraband, falling within the ambit of commercial quantity, was recovered. He submits that, as per the said disclosure, the petitioner used to lend money to the accused persons for the purchase of intoxicants, which would then be sold and thereafter the amount along with the profit margin was returned to her. He, however, fairly concedes that the petitioner is not involved in any other criminal case and that no contraband has been recovered from her possession. It is also not disputed that the charge in the present case is yet to be framed and that the prosecution has cited as many as 22 witnesses and as such the conclusion of the trial is likely to take a long time.

5 Having heard learned counsel for the parties and taking into consideration the nature of the petitioner’s involvement, her clean antecedents, the arguable issues raised regarding the recovery and the period of actual custody already undergone by her, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on her furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

December 10, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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