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

**CRM-M-58182-2024 (O&M)
Reserved on 30.01.2025
Pronounced on : 06.02.2025**

Sarabjit Kaur **...Petitioner**

Versus

State of Punjab **...Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Arshdeep Singh Brar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory
bail to the petitioner in FIR No. 66 dated 01.09.2024, registered under Sections
22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985
(*for short 'NDPS Act'*) at Police Station Mehna, District Moga.

2. Brief facts of the case relevant for the disposal of the present
petition are that on 01.09.2024, when a police party headed by ASI Iqbal Singh
was going from Rauli to Fatehgarh Korotana in connection with patrolling,
two youths were spotted talking to each other while standing near a Scorpio
car and Activa Scooter, bearing registration numbers PB-76-B-0345 and
PB-29-AG-2645, respectively. On seeing the police party, they took out a
polythene bags containing peach colour loose tablets and mobile phone and

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tried to run away after throwing the said bags but were apprehended. On interrogation, they disclosed their names as Arshdeep Singh and Sahilpreet Singh. On conducting search of the said bags, 60 loose tablets were recovered from the bag, which was thrown by Sahilpreet Singh, whereas 65 loose tablets were recovered from the bag, which was thrown by Arshdeep Singh. During search of the aforesaid car, three phones make Apple were recovered. During the course of investigation, co-accused Sahilpreet Singh disclosed that his parents i.e. co-accused Beant Singh and petitioner Sarabjit Kaur were indulged in smuggling of intoxicant tablets since long and he had to supply the recovered tablets to customers as per instructions of his parents. On the basis of the same, the petitioner has also been nominated in this case as an accused. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Moga but the same had been dismissed, vide order dated 13.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Co-accused Sahilpreet Singh is son and Arshdeep Singh is the nephew of the present petitioner. The entire family has been falsely implicated in this case by SHO Arshpreet Kaur, who herself is an accused in FIR No. 143 dated 23.10.2024, registered under Section 7, 13(2) of the Prevention of Corruption Act and Section 18 of the NDPS Act at Police Station Kot Ise Khan, District Moga, whereby the allegations against her are that she had taken an amount of Rs. 5 Lakhs from the persons accused of carrying 03 kgs. of opium and had registered a case for non-commercial quantity of the contraband. Even, on conducting raid over her house, 150 tablets of Etizolam were recovered. After arresting the son and nephew of the

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petitioner in this false case, SHO Arshpreet Kaur had demanded an amount of Rs. 10 Lakhs from the petitioner to save her son and nephew and since she could not meet out the said demand, she along with her husband, daughter-in-law and sister was also implicated in this case with false allegations. Even otherwise, the petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence against the petitioner. The petitioner is ready to join the investigation. No useful purpose would be served by detaining her into custody. Therefore, it is urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure suffered by the co-accused but her complicity in the subject crime has been established during the course of investigation. Co-accused Sahilpreet Singh and Arshdeep Singh were apprehended at the spot and recovery of total 125 intoxicant tablets was effected from them. Out of said tablets, 41 tablets were found to be having salt of Alprazolam, whereas 84 tablets were found to be having salt of Etizolam. The allegations against the petitioner are that she along with her husband was also involved in sale/purchase of contraband. Custodial interrogation of the petitioner is required for proper investigation in the matter. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per allegations, co-accused Sahilpreet Singh and Arshdeep

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Singh were apprehended by the police party on 01.09.2024 and recovery of total 125 tablets were effected from them, which as per FSL report were found to be containing salts of Alprazolam and Etizolam. Aforesaid co-accused are son and nephew of the present petitioner, respectively. The petitioner has been nominated in this case on the basis of the disclosure suffered by her son/co-accused Sahilpreet Singh, wherein he disclosed that his parents were also indulged in smuggling of intoxicant tablets since long and he had to supply the recovered tablets to customers as per their instructions. It is revealed from the record that on receiving *ruqa* in the police station, Inspector Arshpreet Kaur Grewal had reached at the spot and in her presence only, the aforesaid recovery was effected. Learned counsel for the petitioner has drawn attention of this Court to a case arising out of aforesaid FIR No. 143 dated 23.10.2024, which was registered under Section 7, 13(2) of the Prevention of Corruption Act and Section 18 of the NDPS Act at Police Station Kot Ise Khan, District Moga against Inspector/SHO Arshpreet Kaur Grewal with serious allegations corruption and keeping in her possession intoxicant tablets of Etizolam. This fact has not been disputed by learned Assistant Advocate General, Punjab. The claim of the petitioner is that her entire family has been falsely implicated in this case as she could not give an amount of Rs. 10 Lakhs to aforesaid Inspector/SHO as demanded by her. The petitioner is not shown to be involved in any other case of similar nature. She has clean criminal antecedents. It is a question of debate as to whether the petitioner was involved in sale/purchase of contraband or not. Keeping in view the aforesaid facts, an extraordinary circumstance has been made out, which entitles the petitioner for grant of anticipatory bail. In view thereof, I am of the considered opinion that the

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custodial interrogation of the petitioner is not required. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. She is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

06.02.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No