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

CRM-M-60579-2024 (O&M)
Reserved on 30.01.2025
Pronounced on : 06.02.2025

Kulwinder 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 483 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular 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 Sarabjit Kaur were indulged in smuggling of intoxicant tablets since long and they had purchased the aforesaid Activa Scooter in the name of the present petitioner. On the basis of the same, the petitioner was also been nominated in this case as an accused and was arrested on 02.09.2024. She had moved an application for grant of regular 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 co-accused Sarabjit Kaur and the present petitioner is sister-in-law of Sarabjit Kaur. 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

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tablets of Etizolam were recovered. After arresting Sahilpreet Singh and Arshdeep Singh, Inspector/SHO Arshpreet Kaur had demanded an amount of Rs. 10 Lakhs from Sarabjit Kaur to save her son and nephew and since she could not meet out the said demand, the petitioner and other members of the family were 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. Investigation has since been completed and challan has been presented on 07.01.2025. The petitioner is custody since 02.09.2024. Trial is likely to take time. No useful purpose would be served by keeping the petitioner in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

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 aforesaid Activa Scooter had been purchased from the drug money and the same is registered in the name of the present petitioner. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

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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 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 co-accused Sarabjit Kaur, who is sister-in-law of the present petitioner. The petitioner has been nominated in this case on the basis of the disclosure suffered by co-accused Sahilpreet Singh, wherein he disclosed that the aforesaid Activa was registered in the name of the present petitioner. Apart from this, there is neither any allegation against the petitioner nor any recovery has been effected from her. Even otherwise, 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 entire family has been falsely implicated in this case as an amount of Rs. 10 Lakhs could not be given 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

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antecedents. It is a question of debate as to whether the petitioner was involved in sale/purchase of contraband or not. The petitioner is in custody since 02.09.2024. The trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping her in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

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

Yes/No

Whether reportable

Yes/No