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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212 CRM-M-60719 of 2024
Date of Decision:17.01.2025
Nachhatar KaurPetitioner

Versus
State of Punjab
.....Respondent
CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. D. S. Virk, Advocate, for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA , J. (Oral)

1. The present petition has been filed under Section 482 of BNSS seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
178	21.10.2024	Sadar Samana, District Patiala	21 of the Narcotic Drugs and psychotropic Substances Act, 1985

2. Vide order dated 04.12.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 04.12.2024 is reproduced as under:-

“Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’), the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 178 dated 21.10.2024, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) at Police Station Sadar Samana, District Patiala.

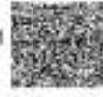


Brief facts of the case are on 21.10.2024, a police party headed by ASI Nirmal Singh was on patrolling duty. They received a secret information that Gurwinder Singh @ Gagan, Soni, petitioner Nachhatar Kaur and Sukhwinder Singh are habitual of selling intoxicant substances and if a raid would be conducted at their house, then heavy quantity of heroin could be recovered. It was also informed that on that very day, accused Gurwinder Singh @ Gagan was coming for selling and supplying contraband to other accused, who were standing at the bus stand of Kotli. Believing the information to be true, the police party immediately reached at the informed place and apprehended co-accused Gurwinder Singh @ Gagan and recovered 53 grams of heroin from his possession. He was arrested at the spot. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Judge, Special Court, Patiala but the same had been dismissed, vide order dated 21.11.2024.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Although she was nominated in the secret information but she was not found at the informed place. More so, the alleged recovery of the contraband effected from the co-accused does not fall under commercial quantity. The petitioner is not involved in any other case under the NDPS Act. She is ready to join the investigation. No recovery is to be effected from her. No useful purpose would be served by detaining her into custody. It is, therefore, urged that the petition deserves to be allowed.

Notice of motion.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab, who is present in Court, accepts notice of the petition on behalf of the



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respondent-State and seeks some time to file the status report.

List again on 17.01.2025.

Considering the fact that the quantity of the alleged contraband recovered from the co-accused is small and the petitioner is not involved in any other case under the NDPS Act, she is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of her arrest, the Investigating/Arresting Officer shall release the petitioner on ad-interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482(2) of BNSS, 2023.”

3. Status report has been filed, which is taken on record, as per which the petitioner has joined investigation on 09.12.2024. The petitioner is stated to have been involved in three more cases but she is on bail in these cases. Custodial interrogation of the petitioner is not required.

4. Keeping in view the above facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 04.12.2024 granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

**(MANISHA BATRA)
JUDGE**

January 17, 2025
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Whether speaking : Yes/No

Whether reportable : Yes/No