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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-59941-2025 (O&M)****Date of Decision: 16.12.2025****NEELAM****..... Petitioners*****Versus*****STATE OF PUNJAB****..... Respondent****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : None.

YASHVIR SINGH RATHOR, J. (Oral)

1. Today lawyers are abstaining from work.
2. The prayer in this petition under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.233, dated 31.08.2025, registered under Section 21 of NDPS Act, (Section 29 of NDPS Act added later on), at Police Station City South, District Moga (Annexure P-1).
3. On 29.10.2025, the following order was passed:-

“ Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.233 dated 31.08.2025 registered at Police Station City South, District Moga, under Section 21 of NDPS Act (Section 29 of NDPS Act added later on).

Notice of motion. Mr. G.S. Dhaliwal, AAG, Punjab, has appeared and accepted notice on behalf of the State. Both the parties have been heard and material collected by the police during investigation has been perused.

Brief facts of the prosecution case are that on 31.08.2025, when police party was on patrolling duty in the area of police station City South Moga, one Vijay @ Gacha was apprehended by the police and 15 grams of Heroin was recovered from him. On interrogation, co-accused Vijay @ Gacha disclosed the name of the petitioner-Neelam as being involved in dealing with the intoxicants. Apprehending



arrest, the petitioner applied for anticipatory bail, which has been dismissed by the trial Court vide order dated 30.09.2025 (Annexure P-2).

*Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case. The disclosure statement of co-accused Vijay @ Gacha, whereby she has been nominated as an accused is inadmissible in evidence and cannot be looked into. There is no other material to connect the petitioner with the alleged offence and disclosure statement alone cannot be made the basis to deny the benefit of anticipatory bail. Learned counsel next contended that petitioner is ready to join the investigation and she will abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in her favour. In support of his contentions, learned counsel has cited the Judgment reported as Law Finder Doc.id# 2687409, 2025:NCPHHC:2121 titled as “**Sahil Joshi Vs. State of Punjab**” and order dated 20.08.2025 passed by Hon’ble Supreme Court in Criminal Appeal No.3640/2025 @ SLP (Crl) No.9190/2025 titled as ‘**Jugraj Singh Vs. State of Punjab**’. Learned counsel also cited the order dated 03.04.2025 passed by a Co-ordinate Bench of this Court in CRM-M-18403-2025 in the aforesaid case vide which bail application of aforesaid Jugraj Singh was rejected.*

On the other hand, learned State counsel has opposed the prayer and argued that the name of the petitioner has emerged during investigation and disclosure statement of co-accused Vijay @ Gacha has pointed towards her role in the present offence indicating her involvement in the illicit drug network and as such, her custodial interrogation is essential to trace the source from where the contraband was arranged and other links of supply and petitioner does not deserve anticipatory bail.

*Admittedly, the name of the petitioner has cropped up in the disclosure statement of co-accused Vijay @ Gacha, from whom the alleged contraband was recovered. At this stage, there is no other material against the petitioner except disclosure statement of co-accused Vijay @ Gacha. In **Jugraj Singh’s case (supra)**, 5kg heroin was recovered along with a sum of Rs.17.50 lakh drug money and main accused had nominated said Jugraj Singh as the supplier and the Hon’ble Supreme Court had ordered his release on anticipatory bail observing that mere disclosure statement is not sufficient to connect him with the alleged offence. As such, it is a fit case wherein benefit of anticipatory bail should be extended.*

*Adjourned to **16.12.2025** for filing status report.*

In the meanwhile, the petitioner is directed to join the investigation and in the event of her arrest, she shall be admitted to ad-interim bail on furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to



the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make herself available for interrogation by a police officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave India without the prior permission of the Court;*
- iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that section.”*

4. Today, ASI Sardara Singh, P.S. City, South Moga has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 29.10.2025 and is no longer required for further investigation.

5. In view of the aforesaid, the order dated 29.10.2025, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, she shall continue to join investigation, if and so required by the Investigating Officer.

6. Disposed of.

7. Pending misc application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

16.12.2025
Vishal Vardhan

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No