



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M No.62749 of 2024
Date of decision: 27.01.2025

PARMINDER KAUR

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Himani Arora, A.A.G, 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 case FIR No.127 dated 25.09.2024, registered under Sections 21 Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 added later on) at Police Station Kot Ise Khan, District Moga.

2. Vide order dated 13.12.2024, passed by this Court, the petitioner was granted interim bail and was directed to join investigation. Order dated 13.12.2024, passed by this Court, reads 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.127 dated 25.09.2024, registered under Sections 21 Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 29 of Narcotic Drugs & Psychotropic Substances Act, 1985 added later on) at Police Station Kot Ise Khan, District Moga.



Brief facts of the case are on 11.04.2024, a police party headed by ASI along with C Yadwinder Singh received secret information to the effect that Sandeep Kumar alias Kalu was indulged in selling heroin and he could be apprehended on conducting an immediate raid. Believing the information to be true, the police party immediately reached at the informed place and apprehended co-accused Sandeep Kumar alias Kalu and recovered 10 grams of heroin from his possession. He was arrested at the spot. During the course of investigation, he suffered disclosure statement that he had purchased the recovered contraband from the petitioner. On the basis of this disclosure, the petitioner was nominated in this case. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Special Judge, Moga but the same had been dismissed, vide order dated 03.12.2024.

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. She 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. More so, the alleged recovery of the contraband effected from the co-accused does not fall within the ambit of commercial quantity. She is ready to join the investigation. No recovery is to be effected from her. No useful purpose would be served by detaining the petitioner 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 respondent-State and seeks some time to file the status report.

List again on 27.01.2025.

Considering the fact that the quantity of the alleged contraband recovered from the co-accused is small and the petitioner has been involved in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, 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 dated 26.01.2025 filed on behalf of respondent-State is taken on record.

4. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 19.12.2024 and he is not required for custodial interrogation.

5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 13.12.2024, 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

27.01.2025

Jyoti-IV

Whether speaking/reasoned:

Yes/No.

Whether reportable :

Yes/No