



CRM-M-1-2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

230 CRM-M-1-2025 (O&M)
Date of Decision: 07.02.2025

Rajveer KaurPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Harpreet Maini, Advocate, for the petitioner.

Mr. Rishabh Singla, AAG, Punjab

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.275 dated 07.12.2024 under Section 22(c) of Narcotic Drugs and
Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Sections 25 &
29 of NDPS Act were added later on), registered at Police Station Sadar
Faridkot, District Faridkot.

2. On 07.01.2025, the following order was passed:-

“XX XX XX XX

*Learned counsel for the petitioner, inter alia, contends that
the petitioner has been falsely implicated in the present case only for
the reason that she is real sister of main accused. The petitioner is an
household lady, having an infant of 03 years and she is not involved in
any other case under NDPS Act. The case of the prosecution is entirely
based upon the disclosure statement of co-accused while he was in
police custody. Learned counsel for the petitioner relies upon
judgments of the Hon'ble Supreme Court in **Union of India Vs. Bal
Mukand, 2009 (2) RCR (Crl.) 574 and Tofan Singh Vs. State of
Tamil Nadu, 2021 (1) RCR (Crl.) 1** and submits that any statement
made by the accused before the police officer under Section 67 of*



NDPS Act is hit by the provisions of Section 25 of Evidence Act and the same cannot be taken into consideration.

Notice of motion for 07.02.2025.

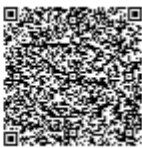
*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS [erstwhile Section 438(2) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')]]*

If the Arresting Officer does not permit the petitioner to join the investigation, she would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from SI Satpal Singh, at the very outset, informs the Court that the petitioner has joined the investigation and her custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 07.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).



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5. The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

07.02.2025
anil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No