

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2025:PHHC:165277



101

CRM-M-65032-2025

Pinki Soni

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 28.11.2025

Date of uploading: 28.11.2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Surjeet Singh Chahal, Advocate for the petitioner
(Through V.C.).

Mr. Tarun Aggarwal, Addl.AG, Haryana.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'BNSS') in FIR No.32 dated 02.09.2025 registered for offences punishable under Sections 18/29/61/85 of the NDPS Act at Police Station, GRP Sirsa, District GRP Ambala Cantt.

2. The gravamen of the FIR is that on 02.09.2025, a police team led by ASI Balbir Singh was present at Railway Station, Sirsa, in connection with crime-checking and patrolling duty. In the meantime, the said ASI received secret information that co-accused Mukesh @ Bhuru, son of Ram Babu, was present at Platform No. 2 for the purpose of supplying opium to co-accused Mandeep Singh, son of Amir Singh, and that if a raid was conducted immediately, both could be apprehended red-handed. After

taking action upon the said information, the police party reached the indicated spot and apprehended both the accused. Upon search, 1 kg 68 gms of opium was recovered from the backpack of co-accused Mandeep Singh, and an amount of ₹50,000/-, being drug money, was recovered from the possession of co-accused Mukesh @ Bhuru. He further disclosed that the recovered contraband had been handed over to him by the petitioner for supplying to co-accused Mandeep Singh on a commission basis.

Upon interrogation, accused Mukesh @ Bhuru disclosed that he was transporting the opium on behalf of the present petitioner. Following this disclosure, the petitioner (herein) was found to be involved in the commission of offence being supplier of the alleged contraband. Additionally, the petitioner was found to have contacted Mukesh @ Bhuru on mobile phone as many as 94 times from 28.08.2025 to 02.09.2025. Upon thorough investigation of these facts, the police concluded that the petitioner was actively involved in the illicit activity of drug peddling.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated in the present case solely on the basis of the disclosure statement made by co-accused Mukesh @ Bhuru. Learned counsel has further iterated that the alleged recovery in the present case pertains to an intermediate quantity, therefore the rigors of Section 37 of the NDPS Act are not attracted. Learned counsel has further iterated that no recovery, either of any narcotic substance or any other incriminating material, has been effected from the petitioner. Furthermore, there is no independent corroborative evidence linking the petitioner to the alleged offence and her name does not find mention in the FIR. The only basis for implicating the petitioner is the unsubstantiated disclosure statement of the

co-accused. To buttress his arguments, learned counsel has placed reliance on the judgments of the Hon'ble Supreme Court titled as *Vijay Singh vs. State of Haryana (SLP (Crl.) No.1266/2023)*, *State (NCB) Bengaluru vs. Pallulabid Ahmad Arimutta & Anr., 2022(1) RCR (Criminal) 762*, *Tofan Singh vs. State of Tamil Nadu, AIR 2020 SC 5592*, and *Smt. Naimunisha vs. State of Gujarat, NCB, 2024 INSC 290* to contend that disclosure statements unless leading to recovery are inadmissible in evidence.

Learned counsel has emphasized that the case of the petitioner stands on a better footing since he has clean antecedents unlike her other co-accused. Learned counsel further asserts that nothing has been recovered from the possession of the petitioner and no further recovery is likely to be effected at her instance and thus, his custodial interrogation is neither warranted nor justified. Learned counsel further asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending her behind bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. Conversely, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the allegations levelled against the petitioner are serious in nature. According to learned State counsel, the petitioner is actively involved in the illicit trade of narcotic substances and has an active role in the supply of the contraband in question. He has also raised submissions in tandem with the reply dated

22.11.2025 filed in Court today by way of affidavit of Deputy Superintendent of Police, Railways Hisar, relevant whereof reads thus:

“6. That on 13.09.2025, the CDRs of mobile No.96028-70528 of accused Mukesh @ Bhuru and mobile No.86960-39657 of petitioner/accused Pinki Soni/w.e.f. 01.08.2025 to 02.09.2025 was obtained. As per CDR, mobile No.86960-39657 is in the name of Kaushalya, mother of petitioner/accused Pinki Soni and accused Mukesh @ Bhuru and petitioner/accused Pinki Soni were continuously in touch with each other from 28.08.2025 to 02.09.2025 and there are as many as 94 calls were exchanged between accused Mukesh @ Bhuru and petitioner/accused Pinki Soni, including 7 calls on 31.08.2025, 20 calls on 01.02.2025 and 3 calls on 02.09.2025 (i.e. the date of FIR). Copy of CDR is annexed herewith as Annexure R-3.”

4.1. Learned State counsel has further submitted that from the abovesaid investigation, it has come on record that the petitioner has been involved in the instant case. Learned State counsel, thus, submits that these records independently establish involvement of the petitioner in the supply of contraband. Furthermore, the custodial interrogation of the petitioner is stated to be essential for the purpose of unearthing the complete supply chain of the narcotic substances and for effecting further recovery of the contraband, if any. Granting bail to the petitioner, at this stage, may seriously hamper the ongoing investigation and embolden the petitioner to tamper with evidence or influence key witnesses, many of whom may be susceptible to pressure or intimidation. Given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and the potential threat to the fair conduct of the trial, it is respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.

5. I have heard the learned counsel for the rival parties and have

gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on 02.09.2025, acting on credible secret information, co-accused Mukesh @ Bhuru was apprehended by the Police and substantial quantity of opium was recovered from his possession. During investigation, said Mukesh @ Bhuru disclosed that he was transporting the opium on behalf of the petitioner (herein). At this stage, the alleged involvement of the petitioner founded principally on the disclosure statement of co-accused coupled with corroborative documentary evidence collected by the investigating agency during the course of investigation to substantiate the case of the prosecution. In addition, the name of the petitioner surfaced not merely in a bald disclosure statement of the co-accused but stands corroborated by independent material in the form of Call Detail Records (CDR), which shows frequent telephonic contact between the petitioner and co-accused, during the relevant period of time, which, according to the police, substantiates the association between the petitioner and the co-accused. The aforesaid instances reflect a recurring pattern of conduct on the part of the petitioner and her deliberate and conscious role as supplier of contraband. Thus, the contention that the petitioner has been implicated solely on the basis of an inadmissible disclosure does not merit acceptance.

7. The petitioner has been implicated for the commission of offences punishable under the NDPS Act with specific allegations of facilitating illicit trafficking of contraband substances. Furthermore, as per the prosecution, the petitioner played a pivotal role in the supply chain, having allegedly supplied a portion of the recovered contraband to co-

accused which led to the recovery of the contraband in question. The investigation so far indicates the involvement of the petitioner in a well-organized network, engaged in the illegal distribution of psychotropic substances. The nature and gravity of the offence, coupled with the evidentiary material on record, justify further custodial interrogation to unravel the larger conspiracy and identify the other potential co-conspirators.

8. The nature of the allegations, coupled with the possibility of the petitioner being part of a larger nexus engaged in the unlawful trade of narcotic substances, raises serious concerns that cannot be brushed aside at this nascent stage of the investigation. The apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses who may be vulnerable to coercion does not appear to be without merit. Given the seriousness of the offence, the stage of investigation, the possibility of tampering with evidence or obstructing justice, and the overarching public interest in deterring the menace of narcotic drug trafficking, this Court is of the view that the petitioner does not merit the concession of bail at this juncture. Further, in light of the serious allegations, the custodial interrogation of the petitioner may be indispensable and crucial for unearthing the broader conspiracy and identifying other potential accomplices, information which may be within the exclusive knowledge of the petitioner. The grant of anticipatory bail at this premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also for reaching impact of such alleged iniquities on society. A profitable reference in this regard is being made to the dicta passed by the Hon'ble Supreme Court titled as *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the Supreme Court held as under, relevant whereof reads as under:

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation.

10. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. The petition is, thus, devoid of merits and is hereby dismissed.
11. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
12. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 28, 2025
Naveen

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