



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

210

CRM-M-34350-2026

Date of decision : 02.07.2026

PINKI KAUR

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Surendra Pant, Advocate,
Mr. Vikramjeet Singh, Advocate &
Ms. Vipandeep Kaur, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This petition for pre-arrest bail, is the first petition filed by the petitioner under Section 482 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.109 dated 13.03.2026, for the commission of offence punishable under Sections 22 & 29 of Narcotic Drugs and Psychotropic Substances Act, Police Station City Barnala, District Barnala.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of Sub Inspector Manpreet Kaur. It was reported by the above-named police officer that on 13.03.2026 while



discharging patrolling duty at Fountain Chowk, Barnala, at about 11:00 A.M., she received a specific tip-off from a reliable source. According to above-named police officer, it was informed that 'Akashdeep Singh @ Akash' (the co-accused) was engaged in illegal sale of intoxicating tablets. As per report of above-named police officer in view of above-mentioned tip-off when a raid was conducted and 'Akashdeep Singh @ Akash' was arrested, he was found in possession of 1000 tablets of Alprazolam and 2000 tablets of Tramadol Hydrochloride.

3. According to prosecution pursuant to recovery of above-mentioned contraband formal FIR of this case was lodged and the investigation taken up. As per prosecution during the course of investigation, when co-accused 'Akashdeep Singh @ Akash' was interrogated, he suffered a disclosure statement, wherein he disclosed that he was involved in the above-mentioned activities of illegal sale of intoxicating tablets, with active participation of the present petitioner. Thus, the name of the petitioner cropped-up in the present case.

4. Reply has been filed by learned State counsel. The same be taken on record.

5. Heard.

6. It has been contended by learned counsel for the petitioner that the petitioner is innocent, having no nexus, whatsoever, with the commission of crime, and that she has been falsely implicated in the present case. According to learned counsel for the petitioner, the only evidence collected by the Investigating Agency against the petitioner is the disclosure statement of his



co-accused, and that the above-mentioned disclosure statement was recorded when the co-accused was already in custody. Thus, the same is inadmissible in evidence. It has also been contended by learned counsel for the petitioner that nothing has to be recovered from the possession of petitioner, and that being a female she deserves a considerate view.

7. The learned State counsel has controverted the above-mentioned augments. According to learned State counsel in the present case the recovery of contraband from the possession of co-accused comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions enshrined under Section 37 of NDPS Act, the petitioner cannot be afforded the benefit of anticipatory bail. As per learned State counsel any of the conditions mentioned above does not stands complied with in the present case.

8. In addition to above, it has also been contended by learned State counsel that petitioner despite being a lady does not have clean antecedents, and that in the past also she has been prosecuted for various offences, including the offences under NDPS Act in four cases. As per learned State counsel in one case she has been convicted, in two cases she has been acquitted and one case is under trial. According to learned State counsel in order to ascertain the role of the petitioner in the commission of offence, her custodial interrogation is necessary.

9. The record has been perused carefully.

10. It is pertinent to mention here that the petitioner has approached this Court for the concession of anticipatory bail, and it is settled principle of law that the above-mentioned concession is a discretion to be exercised by the



Court in a judicious manner. With regard to circumstances in which the above-mentioned discretion should be exercised, the guidelines have been prescribed by the Hon'ble Supreme Court of India in various judicial pronouncements. In this regard in the case of 'Srikant Upadhyay v. State of Bihar 2024 SCC OnLine SC 282', it has been observed that power to grant anticipatory bail is extraordinary power, and that irrespective of the fact that in a number of cases, it has been held that bail is a rule, it cannot; by any stretch of imagination, be said that anticipatory bail is a rule.

11. The Hon'ble Supreme Court in the abovementioned case has further observed that rule of anticipatory bail is a question of judicial discretion depending upon the facts and circumstances of each case. According to Hon'ble Apex Court, when called upon to exercise the abovesaid power the Court concerned has to be very cautious, as the grant of interim protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation.

12. Similarly, in the case of 'Nikita Jagganath Shetty alias Nikita Vishwajeet Jadhav v. The State of Maharashtra and Another Special Leave Petition (Criminal) No. 10255 of 2024, decided on 21.07.2024', the Hon'ble Supreme Court of India has held that anticipatory bail is an exceptional remedy and it ought not be granted in a routine manner. As per the Hon'ble Supreme Court, there must exist strong reasons for extending indulgence of this extraordinary remedy to a person accused of grave offence.

13. In the case of 'Gurbaksh Singh Sibbia etc. v. State of Punjab 1980 SCC (2) 565', the Hon'ble Supreme Court of India held that:-



- (i) The power under Section 438, Criminal Procedure Code, is of an extraordinary character and must be exercised sparingly in exceptional cases only.
- (ii) In addition to the limitations mentioned in Section 437, the petitioner must make out a special case for the exercise of the power to grant anticipatory bail.
- (iii) Where a legitimate case for the remand of the offender to the police custody under Section 167(2) can be made out by the investigating agency or a reasonable claim to secure incriminating material from information likely to be received from the offender under Section 27 of the Evidence Act can be made out, the power under Section 438 should not be exercised.

14. In the backdrop of above-mentioned principles, if the facts and circumstances of the present case are analyzed, it transpires that in the present case the quantity of recovered contraband comes within the ambit of commercial quantity and the petitioner is not a person of clean antecedents. Since the disclosure statement has been suffered by the son of the petitioner, in order to examine the veracity of his statement, the custodial interrogation of the petitioner is of paramount important.

15. Otherwise also this fact cannot be ignored that right of custodial interrogation is a very important right available to the Investigating Agency and as per settled principles of law in ordinary course, the above-mentioned right should not be denied to the Investigating Agency. There exists no extraordinary circumstance which may lead to an inference that in the instant case extraordinary jurisdiction, to accord the benefit of anticipatory bail to the petitioner, should be exercised.



16. As a sequel to above-mentioned discussion, it is hereby observed that the present petition for anticipatory bail is devoid of merit and deserves dismissal. Hence, the same is hereby **dismissed**, accordingly.

(SURYA PARTAP SINGH)
JUDGE

02.07.2026

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