

2026.PHHC.012220



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CRM-M-66262-2025

Date of decision: 28<sup>th</sup> January, 2026

Kulwinder Kaur

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. J.S. Warring, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed by the petitioner for grant of anticipatory bail in case FIR No. 113 dated 04.10.2025, registered under Sections 21(b) of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act added later on vide DDR No. 21 dated 07.10.2025), at Police Station Bajakhana, District Faridkot.

2. Vide order dated 01.12.2025 passed by this Court, the petitioner was granted interim bail and was directed to join investigation.

3. Status report has been filed by respondent-State. Learned State counsel, on instructions from the Investigating Officer, has submitted that though the petitioner has joined investigation on 22.12.2025 but she has not cooperated with the investigating agency in a proper manner as she has not

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shared any information about her links with the drug network and the source of the contraband. It is, therefore, urged by learned State counsel that the custodial interrogation of the petitioner is required.

4. So far as the contention as raised by learned State counsel qua allegation of non-cooperation is concerned, this Court does not find any compelling ground to justify custodial interrogation of the petitioner due to that reason. Since the well settled proposition of law is that once an accused joined the investigation, then only because of the reason that nothing incriminating could be discovered or no recovery was got effected from her, would not mean that there is non-cooperation on the part of the accused. Reliance in this context can be placed upon the observation as made in ***Santosh versus State of Maharashtra (2017) 9 SCC 714*** and ***Jugraj Singh versus State of Punjab, SLP No.9190 of 2025***. The purpose of joining investigation is to make oneself available to the investigating agency and to respond to lawful queries and not to compulsorily divulge self-incriminating information. In the instant case, the conduct of the petitioner in appearing before the Investigating Officer and responding to the investigation, satisfies the legal standard of cooperation. Keeping in view the nature of the allegations, pre-trial incarceration of the petitioner is also not required. It is also well settled that pre-trial incarceration should not be a replica of post conviction. As such, a case is made out for allowing the present petition.

5. Accordingly, the present petition is allowed and the order dated 01.12.2025, granting interim bail to the petitioner, is made absolute, subject

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to the conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS).

6. Since the main petition has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

28<sup>th</sup> January, 2026  
Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |