



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

**CRM-M-23058-2025**

**101**

**Date of decision: 01.05.2025**

**Nandini**

**.....Petitioner**

**Versus**

**State of Punjab**

**.....Respondent**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Armaan Gagneja, Advocate for the petitioner.  
Mr. Jastej Singh, Addl.AG, Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.042 dated 07.03.2025 under Sections 21 (b)/61/85 of NDPS Act (Section 29 of NDPS Act added later on vide GD No.33 dated 09.03.2025) registered at P.S City Muktsar, District Sri Muktsar Sahib.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

*“ SHO, PS City Sri Muktsar Sahib, Fateh, Today I ASI was present at the PS, when a written information from HC Sandeep Singh No. 1143/SMS thru PHG Bakshish Ram no. 23690 was received in the PS, which is as SHO, PS City Sri Muktsar Sahib, Fateh, today I, HC with CT Avaninder Singh no. 105/SMS, S/CT Gurwinder Singh no. 1372/SMS and PHG Bakshish Ram were on round on a private vehicle and were going from Kotli road to Tibbi Sahib road via bypass, when we reached on the bridge at Kotli road, then 2 youngsters were sitting on the roadside. One of them had placed a*



*polythene on his left hand and was leaning down and the other was getting something from that transparent polythene with his right hand. On the basis of doubt, I stopped the vehicle and with the help of my companions nabbed both the men, then the person holding the polythene tightened his hold on the polythene bag. I, HC checked the polythene bag after opening his fist and it seemed to contain some intoxicant. I asked both the persons their names, then one of them told his name as Anwar Kumar @Ganni son of Vikram R/o street no. 4, Adarsh Nagar, Sri Muktsar Sahib and the other told his name as Sumir Khan son of Naseeb Khan R/o street no. 4, Adarsh Nagar, Sri Muktsar Sahib. I could not proceed under the NDPS Act, therefore a regular NGO be sent to the spot. Both the men have been in our custody. Written information is being sent thru PHG Bakshish Ram. SD/ Sandeep Singh HC City Sri Muktsar Sahib. Dated 07.03.2025. on receiving the above information, rapat no. 38 was registered by SI Sukhwinder Singh no. 55/SMS and asked me to investigate by reaching at the spot. Upon which I along with PHG Bakshish Ram with Laptop, printer and Investigating kit etc., on government vehicle scorpio PB30G2973 driven by PHG Kulbir Singh 11394 reached the spot, where HC Sandeep Singh and other police officers were present with the nabbed persons. HC Sandeep Singh made me aware about the circumstances and handed me the nabbed persons. Then, I gave my introduction to the nabbed persons that I am Guraditta Singh no. 226/SMS, rank ASI, I am posted at PS City as an IO, I am in my uniform which has my name plate. Then I asked name of both the persons, first person told his name as Anwar Kumar @Ganni son Vikram R/o street no. 4, Adarsh nagar, Sri Muktsar Sahib and second one told his name as Sumir Khan S/o Naseeb Khan R/o street no. 4, Adarsh Nagar, Sri Muktsar Sahib. I told accused Anwar Kumar @Ganni and Sumir Khan that we doubt that there is some intoxicant in the transparent polythene held by you, hence, you and your polythene are to be searched, but you have a right under the NDPS Act to get your and your polythene searched by some Gazetted officer or Ilaka Magistrate, who could be called at the spot or you could be taken before them. Upon which both accused told that they do not wish to get themselves and the polythene bag searched in front of any Gazzetted*



*officer or Magistrate and we have trust in you. You can search us and the polythene bag. Thereafter separate notice U/s 50 NDPS Act were prepared for both the accused. Anwar Kumar signed his notice in Punjabi and Sumir Khan signed upon his notice in English. HC Sandeep Singh and S/CT Gurwinder Singh signed as witnesses. Thereafter, I tried to get a public witness involved but no one was ready. Thereafter I checked the polythene of the accused persons and recovered heroin form it, which weighed 10 grams inclusive of the weight of polythene bag on the computerized scale. Thereafter I prepared a Pulinda by putting the recovered heroin in a cloth bag, and sealed with my seal GS, sample seal was prepared and seal after its use was handed to HC Sandeep Singh. Thereafter, vide separate memo the recovered 10 grams heroin was taken into police custody. Memo was signed by HC Sandeep Singh and S/CT Gurwinder Singh as witnesses. Then both the accused Anwar Kumar and Sumir Khan were searched as per law. Rs 1200 currency was recovered from the left pocket of Anwar's trouser. On inquiring about Rs. 1200, Anwar Kumar told that both of them have earned this amount by selling heroin. Separate memo was prepared qua the Rs. 1200 and sealed with my seal GS. Nothing else was recovered from the accused persons. Memo were signed by Anwar Kumar in Punjabi and by Sumir Khan in English and counter-signed by HC Sandeep Singh and S/CT gurwinder Singh as witnesses. Videography and photography was done by me and on my instructions by CT Awninder Singh thru e-sakshya app. Anwar Kumar ans Sumir Khan committed an offence U/s 21B/61/85 NDPS Act by keeping 10 grams heroin with them. FIR be registered against them and number be told. Special reports be prepared and I/C PCR/SMS be informed. ”*

3. **Contention**

**On behalf of the petitioner**

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. On the basis of disclosure statements suffered by co-accused Anwar Kumar @ Ganni and Sameer Khan, the alleged contraband, which is also non-commercial in nature, was recovered. Both the



accused persons stand enlarged on bail by the trial Court vide order dated 05.04.2025.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Mr. Jastej Singh, Addl.AG Punjab accepts notice on behalf of the respondent-State, and opposes the grant of anticipatory bail on the ground that petitioner is habitual offender as three other FIRs of similar nature are registered against her, therefore, deserves no leniency.

4. **Analysis**

Be that as it may, considering the fact that the quantity of the contraband recovered falls under non-commercial category, which was also effected from the possession of co-accused who already stands enlarged on bail by the trial Court coupled with the fact that the petitioner was nominated on the basis of a disclosure statement which otherwise also has no evidentiary value in the eyes of law, therefore, custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from him.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

*‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such*



*directions in the light of the facts of the particular case, as it may think fit, including-*

*(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*

*(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*

*(iii) a condition that the person shall not leave India without the previous permission of the Court;*

*(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**( SANDEEP MOUDGIL )  
JUDGE**

01.05.2025  
manoj

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