



215

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15381-2025

Date of decision: 26.05.2025

Monika

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Aakash Juneja, Advocate
for the petitioner (through V.C.).

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of BNSS (earlier Section 438 Cr.P.C.) seeking anticipatory bail in case bearing FIR No.553 dated 18.08.2020 (Annexure P-1) under Sections 21/29 of the NDPS Act registered at Police Station Shivaji Colony Rohtak.

On 01.05.2025, the following order was passed:-

'Prayer in this 1st petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS, 2023'), is for grant of anticipatory bail to the petitioner in FIR No.553 dated 18.08.2020, registered under Sections 21/29 of the NDPS Act, at Police Station Shivaji Colony Rohtak, District Rohtak.

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated. The alleged contraband was recovered from four persons travelling in a Creta car. The petitioner has been nominated as an accused only on the basis of disclosure statement made by two of the accused persons, which has no evidentiary value in the eyes of law as the same is hit by Section 25 of the Evidence Act. Admittedly, nothing can be recovered from the petitioner and there is no concrete evidence to connect the petitioner with the alleged offence. Furthermore, the petitioner is having clean antecedents and is not involved in any other case.

Adjourned to 26.05.2025.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa

**CRM-M-15381-2025****-2-**

Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

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

In view of the statement of learned State counsel, order dated 01.05.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

26.05.2025*Neha*

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