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

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Date of Decision: 03.07.2025

Piyaro ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Jasdev Singh Thind, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
18	16.03.2025	Sherpur, District Sangrur	22/29/61 of NDPS Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Per paragraph 8 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	81	11.07.2018	15,61,85 of NDPS Act	Sherpur
2.	08	29.01.2019	15,61,85 of NDPS Act	Sherpur
3.	111	02.09.2019	21,61,85 of NDPS Act	Sherpur
4.	67	03.08.2022	15,21,61,85 of NDPS Act	Sherpur
5.	267	20.11.2022	15,21,27-A,61,85 of NDPS Act	City Sunam
6.	32	04.06.2023	21,61,85 of NDPS Act	Sherpur

3. Facts of the case are being taken from status report filed by State counsel. On 16.03.2025, when the police officials were on patrolling to detect crime, then they received secret information that on 8.30 PM one Shinder Kaur indulges in selling drugs, even at that time, she was possessing intoxicant tablets. The Investigator claims to have



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complied with procedural requirement of Section 42 of NDPS Act and subsequently detect tablets from said Chhinder Kaur and details are mentioned in para no.3 of the status report which reads as follows:

“three strips intoxicant tablets of Etiwill 0.5 MD (Etizolam Mouth Dissolving tablets 0.5 mg), each strip containing 10 tablets and 12 strips of intoxicant tablets make Prozolam-0.5 (Alprazolam tablets IP 0.5 mg), each strip containing 10 tablets, total 150 intoxicant tablets were recovered.”

After that, Chhinder Kaur was arrested and she disclosed that she had purchased 30 strips of tablets from the petitioner.

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the status report.

6. Counsel for the petitioner seeks anticipatory bail on the ground that it is not ascertained at this stage as to whether the quantity is intermediate or commercial and further evidence is disclosure statement which has no evidentiary value. To this, State counsel has referred to para no.7 of the status report which reads as follows:

“7. That accused/petitioner Piyaro joined the investigation on 04.06.2025 in the light of order dated 14.05.2025 passed by this Hon'ble Court in the present petition. However, she did not cooperate with the investigating officer as she neither revealed anything about the person(s) from whom she used to purchase the intoxicant tablets, nor did she disclose the other person(s) (other than co-accused Shinder Kaur @ Shindro) to whom she used to supply the intoxicant tablets. So, the custodial interrogation of the petitioner is required. It may be possible only during the custodial interrogation of the petitioner that the petitioner can be interrogated in depth and the source of drug supply to her can be traced and the drugs can also be recovered from her and the investigation may be completed in a proper and effective manner. Therefore, the interim order dated 14.05.2025, is required to be re-called.

On the receipt of final order from this Hon'ble Court, and after the completion of investigation, supplementary challan will be presented against the accused/petitioner in the Court.”

7. It shall be appropriate to refer to para no.8 of the status report which reads as follows:

“THE NAME AND TOTAL WEIGHT OF THE DRUG.

i) Three strips each containing 10 tablets (total 30 tablets) of intoxicant tablets marka Etiwill 0.5 MD (Etizolam Mouth Dissolving tablets 0.5 mg)



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ii) 12 strips each containing 10 tablets (total 120 tablets) of intoxicant tablets make Prozolam-0.5 (Alprazolam tablets IP 0.5 mg)

Total 30+120 (150) intoxicant tablets were recovered in this case. However, FSL report is still awaited and total weight will be calculated, on the receipt of FSL report.

THE EVIDENCE BASED ON WHICH THE PETITIONER WAS ACCUSED. ARRAIGNED AS AN ACCUSED

The present FIR was registered against accused Shinder Kaur @ Shindro and Piyaro (present petitioner) by name on the basis of secret information received by ASI Balwinder Singh. During ongoing investigation, accused Shinder Kaur @ Shindro was apprehended and 150 intoxicant tablets of two different markas were recovered from her possession. During interrogation she disclosed that two days back, she has purchased 30 strips of intoxicant tablets @ 100/- per strip from Piyaro wife of Mithu Singh, resident of Patti Khalil, Sherpur and out of which, she has sold some tablets and she was waiting for sale of remaining 15 strips to the customers when she was apprehended by the Police and thus, accused petitioner Piyaro has also been found involved in the smuggling of intoxicant tablets. On the basis of said facts, Piyaro (present petitioner) was arraigned as an accused in this case.

THE EVIDENCE AGAINST THE PETITIONER.

The present FIR was registered against accused Shinder Kaur @ Shindro and Piyaro (present petitioner) on the basis of secret information received by ASI Balwinder Singh. During investigation, accused Shinder Kaur @ Shindro was apprehended and 150 intoxicant tablets of two different markas were recovered from her possession, as per detail given above. During interrogation, co-accused Shinder Kaur @ Shindro disclosed that the intoxicant tablets which were recovered from her possession that were supplied to her by the Piyaro (present petitioner).

THE ROLE OF THE PETITIONER.

The present FIR was registered against accused Shinder Kaur @ Shindro and Piyaro (present petitioner) on the basis of secret information received by ASI Balwinder Singh. Pursuance of said secret information, Shinder Kaur @ Shindro was apprehended by ASI Balwinder Singh with the help of lady Constable on 06.03.2025 and 15 strips each containing 10/10 tablets total 150 intoxicant tablets of two different markas were recovered from her conscious possession. During interrogation, accused Shinder Kaur @ Shindro. During interrogation she disclosed that, two days back, she has purchased 30 strips of intoxicant tablets @ 100/- per strip from Piyaro wife of Mithu Singh, resident of Patti Khalil, Sherpur and out of which, she has sold some tablets and she was waiting for sale of remaining 15 strips to the customers when she was apprehended by the Police and thus, accused petitioner Piyaro has also been found involved in the smuggling of intoxicant tablets. It was duly proved that the



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intoxicant tablets recovered from the possession of co-accused Shinder Kaur @ Shindro were supplied to her by Pyaro (the present petitioner). Therefore, a specific role in supplying the intoxicant tablets to her co-accused is found to have been played by the petitioner/accused in the present offence.”

8. Perusal of the above reveals that weight of the drug is not calculated. It is not a case where the drugs are massive and are likely to be in commercial quantity. Considering the number of tablets, possibility of weight of the drug being intermediate cannot be ruled out.

9. Given above, this Court deems it appropriate to grant limited period bail to the petitioner subject to the condition that after receipt of report of FSL, in case weight of the drug falls in commercial category, then the concerned Investigator would convey the said FSL report to the petitioner and also to her counsel appearing in this Court. Within one week of such receipt, the petitioner shall surrender in the trial Court. Needless to say that in between if she wants to file an application for anticipatory bail before this Court, she may do so. Since the trial Court has already rejected the anticipatory bail, there shall be no need to approach the trial Court again. However, if the quantity as per FSL report is found intermediate, then the present order shall become absolute and the bail bond shall continue and petitioner shall appear regularly in the Court.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for anticipatory bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	



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4. E-Mail id (If available)	
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13. The bail order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. Given the background of allegations against the petitioner, it becomes paramount to protect the detection squad, members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.



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17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition is partly allowed** in terms mentioned above. Petitioner shall surrender within one week after the receipt of FSL report, if quantity found is commercial. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

03.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.