



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10774-2025
DECIDED ON: 28.02.2025

MELO KAUR

....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Chahit Bansal, Advocate for the petitioner.

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.03 dated 03.01.2025 (Annexure P-1), under Section 21/61/85 and 29 of NDPS Act, registered at Police Station City Sunam, District Sangrur.

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

“To, The Station House Officer, Today ASI along with HC Jagdeep Singh 180, HC Rajdeep Singh 377, Kiranjit Kaur 1548 on government vehicle bearing no.PN65-BG-4726 make Scorpio whose driver was PHG Rajinder Singh 374/11 with laptop, printer and Inverter and Inspection Kit were present near Under Bridge Stadium Road, Sunam for patrolling and checking of suspected persons. At about 4.30 PM a secret information was received that Sakuntla W/o Raju Singh resident of Andra Vehda, Indra Basti, Sunam District Sangrur is habitual of selling heroine to her customers which is supplied to her

by Harpal Kaur W/o Hari Singh resident of Andra Vehda, Indra Basti, Sunam, District Sangrur. That today also Harpal kaur is coming to sell Heroine in large quantity at Bhai Mool Chand Road, Sunam. If raid be conducted immediately, then Sakuntla W/o Raju Singh resident of Andra Vehda, Indra Basti, Sunam and Harpal Kaur W/o Hari Singh resident of Andra Vehda, Indra Basti, Sunam can be apprehended along with heroine. Information is true and correct.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that as per the prosecution story, the alleged contraband i.e. 15 grams of heroin was recovered from the co-accused namely Sakuntla @ Sukho @ Bangro and Harpal Kaur, the contraband recovered is non-commercial in nature. He further contends that the petitioner was not initially named in the instant FIR but was subsequently roped in only on the basis of disclosure statement of co-accused namely Harpal Kaur. It has been contended on behalf of the petitioner that nothing has been recovered from her conscious possession and is ready and willing to join the investigation and cooperate with the investigating officer concerned. It has been submitted that co-accused Sakuntla @ Sukho @ Bangro has already been granted the concession of bail by the trial Court vide order dated 05.02.2025 (Annexure P-2).

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Jasjit Singh Rattu, DAG, Punjab accepts notice on behalf of the respondent-State, who does not

controvert the aforesaid fact but opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender as she is involved in three more cases.

4. Analysis

Be that as it may, considering the fact that the petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Harpal Kaur and was not initially named in the instant FIR and the fact that the co-accused namely Sakuntla @ Sukho @ Bangro has already been granted the concession of bail by the trial Court vide order dated 05.02.2025 (Annexure P-2); nothing has been recovered from the present petitioner as recovery of whatever contraband was effected was from other co-accused persons namely Sakuntla @ Sukho @ Bangro and Harpal Kaur added to the fact that custodial interrogation of the petitioner is not required at this stage as nothing is to be recovered from her.

And, as far as the pendency of other cases against the petitioner and his involvement in other cases is concerned, reliance can be placed upon the judgment of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other

cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her 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

28.02.2025

Poonam Negi

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No