

**IN THE COURT OF MS. SANJEETA,
JUDGE, SPECIAL COURT, SANGRUR
(Unique Identification Code PB-0177).**

CNR No.PBSG01-009620-2025

CIS No.NDPS/399/2025

Date of decision: 18.07.2026

State of Punjab.

Versus

Sunita Kaur wife of Bittu Singh, resident of Kheri Gillan, at present Rented House Lakh Data Peer Wali Gali, Baba Jujhar Singh Nagar, Bhawanigarh

.

..... Accused.

FIR No.91 dated 02.05.2025,
U/s 21 of ND&PS Act,
P.S. Bhawanigarh

Present: Shri Munish Singla, Id.Addl. Public Prosecutor for State.
Accused on bail in this case but in custody in some other case
(produced through Video conference) represented by
Sh. Rajender Sharma, Advocate.

JUDGMENT

1) Officer Incharge P.S. Bhawanigarh has sent up above said accused to face trial for having committed offence under Section 21 of the ND&PS Act.

2) Prosecution story, in brief, is that on 02.05.2025, accompanied by other police officials ASI Suresh Kumar was present on government vehicle PB-13AW-4101 in connection with police patrolling under flyover of Bhawanigarh crossing when he received secret information that Sunita is habitual of selling heroin after purchasing it at cheaper rates and in case raid is conducted at her house she can be

apprehended. Raid was then conducted at her house and she was found coming out of her house, carrying a transparent polythene. Seeing the police party, she threw the polythene containing heroin which, on being checked and weighed was found containing 15 gm heroin which was packed in a parcel and sealed with seal bearing impression "SK". Seal after use was handed over to ASI Nirbhay Singh. Sample seal slip was prepared and the case property was taken into police possession. Finding offence under Section 21 NDPS Act made out, by sending ruqa through PHG Balkar Singh FIR was got registered. Accused was arrested. Her arrest memo and search memo were prepared. Special report under Section 57 NDPS Act was prepared.

3) On return to the police station, accused along-with case property was produced before SI Jasvir Singh, who, then verified the facts from accused and the witnesses and counter-sealed the case property and the sample seal slip with his seal bearing impression SK. Case property was then deposited with HC Jagsir Singh.

4) On 03.05.2025, ASI Suresh Kumar withdrew the case property from the MHC and produced it along-with accused in the court of Sh. Jagmilap Khushdil who then verified the seals and removed the earlier seals and counter sealed the parcel with his seal bearing impression "JS" and the seal of IO "SK" and also prepared three sample seal slips. The parcel was ordered to be deposited in the office of FSL and it was then deposited with HC Jagsir Singh, who had on 12.05.2025 got deposited the same in the office of FSL through LC Sandeep Kaur who

was directed to deposit the same in the office of FSL after getting it forwarded from the office of Ld. SSP and she deposited the same on 13.05.2025. Report of FSL was then brought by C Lovepreet Singh on 17.09.2025. After completion of investigation,

5) On presentation of challan and appearance of the accused in the Court, copies of challan were supplied to the accused free of cost as required under Section 207 Cr.P.C.

6) Finding prima facie case made out against accused under Section 21 of ND&PS Act, charge was framed against the accused, to which accused pleaded not guilty and claimed trial.

7) In order to prove its case, prosecution has examined the following witnesses:-

- PW-1: LSC Sandeep Kaur(sample carrier)
- PW-2: HC Jagsir Singh (MHC),
- PW-3: ASI Suresh Kumar (IO)
- PW-4: Inspector Jasvir Singh (officer incharge)
- PW-5: ASI Nirbhai Singh(witness to the recovery)

Thereafter, Id.Addl. Public Prosecution for the State then closed the evidence on behalf of prosecution.

8) Statement of accused under Section 313 Cr.P.C. was recorded and all the incriminating evidence appearing against accused was put to him to which he denied and pleaded false implication. Accused did not opt to lead evidence in his defence.

9) It was the arguments of Id.Addl. Public Prosecutor for the State that on 2.5.2025, accused was found in conscious possession of 15

grams heroin and recovery stands proved from the testimony of PW-3 ASI Suresh Kumar who apprehended the accused with 15 gm of heroin carried in a polythene thrown by him further corroborated by the testimony of ASI Nirbhai Singh PW-5. Report of FSL Ex.P14 stands connected with the recovery effected from accused from the testimony of PW-4 Inspector Jasvir Singh (SHO), PW-2 HC Jagsir Singh (MHC) and PW-1 LSC Sandeep Kaur(sample carrier). So accused is liable to be convicted..

10) Per contra, ld.Defence counsel for accused has submitted that no independent witness has been joined at the time of alleged recovery. No compliance of Section 50 NDPS Act was made. There is unexplained delay of 11 days in depositing the sample to the office of FSL. So, he has prayed for the acquittal of the accused.

11) Out of the arguments advanced by ld.Addl. Public Prosecutor for State and ld.Defence counsel, following points of determination arise:-

"(i) Whether accused was found in conscious possession of 15 grams of heroin?"

12) To bring home guilt of accused, prosecution has examined **PW3 ASI Suresh Kumar** who deposed that on 02.05.2025, accompanied by other police officials, he was present under fly over Nabha Crossing Bhawanigarh on government vehicle No. PB-13AW-4101 in connection with patrolling, when at about 6.20 PM, he received secret information that Sunita is habitual of selling heroin after buying it on cheaper rate and in case raid is conducted, she can be apprehended. Raid was conducted at her house but she was found coming out of her house. Seeing the police

party, she threw the transparent polythene carried by her in her right hand. The polythene on being checked and weighted was found containing 15 gm heroin which was packed in a parcel and sealed with seal bearing impression "SK". Sample seal chit was prepared. Case property was taken into police possession vide memo Ex.P1. By sending ruqa Ex. P2 through PHG Balkar Singh, FIR under Section 21 NDPS Act was got registered which was registered by ASI Ranjeet Singh and endorsement regarding the same Ex. P4. Rough site plan Ex.P5 was prepared and accused was arrested vide memo Ex. P6 and her personal search was conducted by LSC Sandeep Kaur vide memo Ex. P7 and Rs. 500/- were recovered from her. Intimation of her arrest was given to Veena Kaur. Report under Section 57 NDPS Act Ex.P8 was prepared which was later on seen by DSP Rahul Koshal vide endorsement Ex. P9.

13) PW3 ASI Suresh Kumar deposed that on return to the police station, accused along-with the case property and the sample seal slip were produced before SI Jasvir Singh who verified the facts from accused and the witnesses and counter-sealed the case property with his seal bearing impression "JS" and the case property was then deposited with HC Jagsir Singh. His testimony is corroborated by the testimony of **PW5 ASI Nirbhai Singh**.

14) PW3 SI Suresh Kumar then submitted that on 03.05.2025, he withdrew the case property from MHC and produced the same before the Court of Sh. Jagmilap Khusdil Ex. P10. The Id. Presiding Officer verified the seal and then removed the earlier seal and resealed the parcel with his

seal bearing impression “JS” and seal of the IO “SK” and the case property was then ordered to be deposited in FSL. Inventory order is Ex. P11. Form No. 6 is Ex. P12, certificate qua correctness of inventory is Ex. P13. On return to the police station the parcels was then sent to FSL and report of FSL is Ex. P14.

15) TO connect the report of FSL Ex.P14 with the recovery effected from accused, prosecution examined **PW4 Inspector Jasvir Singh** who submitted that on 02.05.2025 on return to the police station, a parcel containing 15 gm heroin sealed with seal impression “SK” along-with sample seal chit was also produced by him along-with accused. He then verified the facts from the accused and the witnesses and counter-sealed the case property with his seal bearing impression “SK”. Sample seal chit are Ex.P14 to P16 were also countersigned and on his instructions, the case property was deposited with MHC Jagsir Singh.

16) **PW2 HC Jagsir Singh** submitted hat on 02.05.2025 ASI Suresh Kumar deposited with him one parcel containing 15 gm heroin sealed with seal bearing impression SK/JS along-with sample seal slip and on 03.05.2025 he withdrew the same for production in the court and after being produced in the court, it was redeposited with him sealed with seal bearing impression “JS/SK” and on 12.05.2025 he handed over the parcel along-with the sample slip to LC Sandeep Kaur and directed her to deposit the same in the office of FSL Mohali after getting it forwarded from the office of FSL who, accordingly, deposited the same on 13.05.2025 and on 17.09.2025 C Lovepreet Singh brought the report of

FSL. His testimony is corroborated by the testimony of **PW1 LC Sandeep Kaur**.

17) I have considered the submissions made by ld. Addl. Public Prosecutor for State as well as ld. Defence counsel and have gone through the record.

18) Accused Sunita has been charged for having been found in conscious possession of 15 grams heroin containing salt Diacetylmorphine. The prosecution proved its case through the testimony of PW-3 ASI Suresh Kumar, who had on 02.05.2025 while being present under fly over Nabha Crossing, Bhawanigarh had at about 6.20 PM, received secret information that Sunita is habitual of selling heroin after buying it on cheaper rate and in case raid is conducted, she can be apprehended from her house and pursuant to the raid at her house, she was found coming out of her house. She threw the transparent polythene carried by her which on being checked and weighted was found containing 15 gm heroin which was packed in a parcel and sealed with seal bearing impression "SK" and taken into police possession vide memo Ex.P1.

19) Report of FSL Ex.P14 stands connected with the recovery effected from accused from the testimony of PW-5 Inspector Jasvir Singh before whom the case property sealed with seal bearing mark 'SK' was produced by ASI Suresh Kumar who then counter sealed the parcel with his seal bearing mark 'JS'. The case property sealed with seals bearing impression 'SK/JS' was then deposited by ASI Suresh Kumar with MHC

Jagsir Singh PW-2 and after being produced in the Court it was redeposited with MHC sealed with seal bearing seal "J.S/SK" along with sample seal slip which was then through LC Sandeep Kaur got deposited in the office of FSL on 13.5.2025

20) Ld. defence counsel for accused has submitted that no independent witness was joined at the time of alleged recovery. The Prosecution witnesses PW-3 ASI Suresh Kumar and PW-5 ASI Nirbhai Singh have categorically stated that efforts were made to join independent witnesses but no one joined. So reasonable justification has been furnished for non joining of independent witnesses. Even though no independent witness was joined by the prosecution but that would not shatter the credibility of prosecution witnesses who have consistently deposed about the mode and manner of recovery effected from the accused. Mere non joining of independent witness does not make the version of prosecution doubtful. Even otherwise, it is generally noticed that people are reluctant to join police in such type of cases. Hon'ble Punjab and Haryana High Court in **Jaswant Singh @ Jassa vs. State of Haryana, 2005(1) R.C.R. (Criminal) 802** was pleased to hold that where recovery is supported by the official witnesses only, that perse is no ground to discard their testimonies. The only rule of caution is that their statements should be examined with extra care in order to find out whether they inspire confidence and are worthy of reliance.

21) Ld. defence counsel has also submitted that compliance of Section 50 of ND&PS Act has not been made. PW-3 ASI Suresh Kumar

and PW-5 ASI Nirbhai Singh have not been cross examined qua non compliance of section 50 NDPS. Recovery in the present case not doubt was not effected in the presence of a Gazetted Officer or Magistrate but the same was not required when recovery was not effected from the personal search of accused rather it was effected from the polythene which was thrown by her seeing the police party. So, compliance of Section 50 of ND&PS Act was not required. Reliance on this point can be placed upon law laid down by Hon'ble Apex Court in **Ajmer Singh v. State of Haryana 2010(3) SCC 746** wherein, the Hon'ble Apex Court has been pleased to hold that compliance of Section 50 is not necessary where recovery of 500 grams of charas is effected from bag of accused. It was held that question of compliance or non-compliance of Section 50 of Narcotic Drugs And Psychotropic Substances Act is relevant only in case of personal search of a person . Said Section does not extent to search a vehicle or a container or bag

22) Ld. defence counsel has submitted that accused has been falsely implicated. The Prosecution witnesses have not been attributed any motive qua false implication of the accused.

23) Ld. Defence counsel raised a plea that there is delay in sending the sample to the office of FSL. The recovery from accused was effected on 2.5.2025 and parcel was deposited in the office of FSL on 13.5.2025. No doubt, there is delay of 11 days in sending the sample to FSL, but ld.defence counsel has failed to show as to what prejudice has

been caused to accused with delay in sending of the sample to the office FSL. Sample sent to office of FSL was sealed with seal bearing mark 'JS/SK' i.e. seal of Court and seal of IO and the report of FSL reveals that sample was with intact seals. In those circumstances, the plea of ld. defence counsel that there is delay in deposit of parcel in the office of FSL does not hold the ground. Hon'ble Apex Court in **Jarnail Singh vs. State of Punjab, 2011 AIR (SC) 964** has been pleased to hold that mere delay in sending the sample of the narcotic to the office of the Chemical Examiner would not be sufficient to conclude that the sample had been tempered with.

24) So, in the light of above discussion, I am of the view that the prosecution has succeeded in proving the charge against the accused who was found in conscious possession of 15 grams heroin and as such, he is held guilty and convicted for having committed offence under Section 21 NDPS Act. Let, the convict be taken into custody and heard on the quantum of sentence.

Pronounced in open Court.
July 18, 2026

(Sanjeeta),
Judge, Special Court,
Sangrur (UID-PB0177)

ORDER ON QUANTUM OF SENTENCE

Present: Shri Munish Singla, ld.Addl. Public Prosecutor for State.
Accused in custody(produced through Video conference)
represented by Sh. Rajender Sharma, Advocate.

1. I have heard the convict on the quantum of sentence. Convict

has stated that she is a poor lady and she prayed for lenient view.

2. On the other hand, Id.Additional Public Prosecutor for State has opposed the request.

3. After hearing their respective submissions and keeping in view of the facts, special circumstances and antecedents of convict, it is not in dispute that accused is not a previous convict. The prosecution has been able to prove that recovery of 15 grams heroin inclusive of weight of polythene was effected from the convict. Keeping in view the age and antecedents of the convict and the recovery effected, he is sentenced as under:-

Name of convict	Offence	Sentence and Fine	In default of payment of fine
Sunita Kaur	U/s 21 of ND&PS Act	RI for one month and to pay fine of Rs.500/-	RI for one week

4. The period during which the convict has remained in custody during investigation or trial shall be set off against above said substantive sentence. Convict Sunita Kaur has already undergone the sentence awarded to him, so, she is ordered to be released and intimation qua his conviction be sent to concerned Jail Authorities. Contraband be destroyed, after withdrawal of 'representative sample', as per rules, for purpose of appeal or revision thereof, if any. Copies of this judgment be also sent to concerned police station and Id.Chief Judicial Magistrate, Sangrur for destruction of contraband under rules. File be consigned to the record room after due compilation.

Pronounced in open Court.
July 18, 2026

(Sanjeeta),
Judge, Special Court,
Sangrur (UID-PB0177)

Shavinder Kumar
Stenographer-I

State Vs. Sunita Kaur

Present: Shri Munish Singla, Id.Addl. Public Prosecutor for State.
Accused on bail in this case but in custody in some other case
(produced through Video conference) represented by
Sh. Rajender Sharma, Advocate.

Statement of accused under Sections 313 Cr.P.C. recorded
through video conferencing and all the incriminating evidence appearing
against accused was put to her to which, she denied and pleaded false
implication. Accused did not opt to lead evidence in his defence.

Arguments heard. Vide my separate judgment of even date,
accused stands convicted under Section 21 of ND&PS Act and sentenced
accordingly. File be consigned to the record room after due compilation.

Pronounced in open Court.
18.07.2026

**(Sanjeeta),
Judge, Special Court,
Sangrur (UID-PB0177)**

Shavinder Kumar
Stenographer-I