



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

219

CRM-M-43287-2026 (O&M).
Date of Decision: 03.09.2026.

Gurpreet Kaur

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vikas Bishnoi, Advocate for the petitioner.

Mr. Pawan Kumar Garg, Deputy Advocate General, Haryana.

SANJAY VASHISTH, J. (Oral)

Petitioner-Gurpreet Kaur, aged about 40 years, has filed the instant petition under Section 483 of BNSS, 2023, seeking regular bail in case FIR No.448 dated 21.11.2025 under Sections 15(c) and 29 of NDPS Act (Section 27-A of NDPS Act added later on), registered at Police Station City Fatehabad, District Fatehabad.

2. Case of the prosecution, as culled out from paragraph No. 2 of the impugned order, reads as under:

“Briefly stated, the case of prosecution is that on 21.11.2025, a police party headed by ASI Govind Ram, on the basis of secret information, apprehended co-accused Kulwinder Kaur wife of Ranjeet Singh and co-accused Manoj Kumar son of

Somraj, Veerpal Kaur wife of Puran Singh, Rani wife of Mithu Singh and applicant-accused Gurpreet Kaur wife of Buta Singh and recovery of total 55 kg. poppy-husk (Kachra Doda Post) contained in 03 plastic bags (Katte), was effected from them, in the presence of DSP Jagdish Kumar. On this, present case was registered. During investigation, co-accused namely Kulwinder Kaur and Manoj Kumar, Veerpal Kaur, Rani and applicant-accused Gurpreet Kaur were arrested, who, suffered disclosure-statements regarding their involvement in the offence and having purchased recovered contraband jointly from co-accused Dinesh @ Raju son of Narayan Lal. Sections 27A and 29 of NDPS Act have been added. Co-accused Dinesh @ Raju is yet to be arrested.”

3. As per the FIR, a total recovery of 55 kg of poppy husk (kachra doda post) was allegedly effected from five accused persons, namely, Kulwinder Kaur, Manoj Kumar, Veerpal Kaur, Rani and Gurpreet Kaur (petitioner herein). From the present petitioner, the recovery effected was 19 kg of poppy husk. Allegation against the petitioner is that she along with another accused Kulwinder Kaur @ Sukhi was found in possession of total 19 kgs of poppy husk kept in a bag held by both of them jointly.

4. As per the disclosure statements of the accused, the aforesaid contraband was allegedly purchased jointly by them from the sixth accused, namely, Dinesh @ Raju.

5. Learned counsel for the petitioner submits that the total alleged recovery of 55 kg of poppy husk was effected from three plastic bags. It is further submitted that, as per the prosecution case itself, 20 kg of poppy husk was recovered from the bag allegedly in the possession of co-accused Manoj Kumar and jointly possessed by the petitioner-Gurpreet Kaur and co-accused Kulwinder Kaur @ Sukhi. Out of the remaining quantity, 19 kg of poppy husk

was allegedly recovered from the bag held by the petitioner and co-accused Kulwinder Kaur @ Sukhi, whereas 16 kg of poppy husk was recovered from the bag allegedly held by co-accused Rani and Veerpal Kaur.

Learned counsel argues that the alleged recovery attributed to the petitioner, even if taken at its face value, is below the commercial quantity prescribed under the NDPS Act. Co-accused namely Kulwinder Kaur has already been granted bail by this Court, vide order dated 21.07.2026 (Annexure P-2). Further, co-accused namely Veerpal Kaur and Rani have also been granted bail by this Court, vide order dated 27.07.2026 (Annexure P-3). It is further submitted that the petitioner has been in custody for more than nine months and, therefore, deserves the concession of regular bail. Accordingly, learned counsel prays for grant of bail to the petitioner.

6. On the other hand, learned State counsel opposes the prayer for grant of regular bail. It is submitted that the allegations against the petitioner are serious in nature, as petitioner was found involved in the transportation/possession of contraband along with other co-accused persons. Learned State counsel further submits that the recovery of 55 kg of poppy husk (kachra doda post) was effected from the accused persons and, therefore, role attributed to the petitioner cannot be considered in isolation at this stage.

It is further contended that the petitioner is having criminal antecedents and has previously been involved in the following cases:

- (i) FIR No.430/2022, registered under Section 15/29 of NDPS Act, P.S. City Dabwali, Sirsa, in which she is on bail.
- (ii) FIR No.66/2021 under Section 18(c) NDPS Act, PS Baja Khana, Faridkot, in which she is on bail.

Learned State counsel submits that the involvement of the petitioner in repeated criminal activities reflects her conduct and dis-entitles

her from the concession of bail. Accordingly, prays for dismissal of present petition.

7. I have heard learned counsel for the parties and have perused the paper-book.

8. Without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner deserves the concession of regular bail. Considering the facts and circumstances of the present case in its entirety, this Court finds that though the total alleged recovery in the present case is stated to be 55 kg of poppy husk, however, the prosecution itself has attributed only 19 kg of poppy husk to the possession of the petitioner, that too jointly with co-accused. The question as to whether the quantity allegedly attributable to the petitioner would fall within the commercial quantity or otherwise, would be a matter to be adjudicated during the course of trial. The quantity of recovered contraband from the petitioner is non-commercial.

Considering that petitioner is a woman, and in view of the provisions of Section 480 of the BNSS Act, a lenient view is warranted. Petitioner is in custody since 21.11.2025. Her involvement in the alleged offence is yet to be established beyond doubt, and she deserves an opportunity to rehabilitate herself in society. Moreover, this Court is of the opinion that conclusion of the trial is likely to take a considerable period of time.

Accordingly, present petition is allowed. Petitioner is ordered to be released on regular bail, subject to her furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

9. Any observation made hereinabove shall not be construed as an expression of opinion on the merits of the case. Learned trial Court shall proceed to decide the case independently, on the basis of evidence available on record, in accordance with law and as expeditiously as possible.

10. Petition stands disposed of.

Pending application, if any, also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

03.09.2026

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No