

**In the High Court for the States of Punjab and Haryana  
At Chandigarh**

CRM-M-2351-2022 (O&M)  
Date of Decision:-10.11.2022

Binder Kaur ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Saurabh Sharma, Advocate for  
Mr. Rohan Sharma, Advocate for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

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**GURVINDER SINGH GILL, J. (Oral)**

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.222, dated 18.6.2020, Police Station Sadar Dhuri, District Sangrur, under Sections 22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985.
2. As per the case of prosecution, on 18.6.2022 a secret information was received by the police to the effect that Binder Kaur @ Katto (petitioner) indulged in sale of intoxicant tablets, which were supplied to her by Salim Khan. The information was further to the effect that even on the given day Salim Khan, who was possessing huge quantity of intoxicant tablets, was proceeding to Village Kandhargarh Channa Mandi so as to deliver the same to Binder Kaur @ Katto. Pursuant to receipt of said information, the police swung into action and conducted a raid at Grain Market Kandhargarh

Channa, where a Swift car was noticed parked and one young man was seen handing over a plastic bag to a lady. The said persons, upon noticing the police party, threw the plastic bag and fled away in his car. Upon search of the plastic bag thrown by the accused at the spot, 14000 tablets of 'Clovidol' (Tramadol) were recovered. The petitioner was arrested on 14.12.2020, when she was already in custody in connection with some other case, wherein she had been arrested on 7.12.2020. It is further the case of prosecution that during the course of interrogation, she disclosed that it is Raja Singh (co-accused), who had been supplying the drugs to her.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of alleged secret information, which cannot be lent any credibility and infact stands falsified from the fact that Salim Khan, against whom there was secret information, has been found innocent during the course of investigation. Learned counsel has further submitted that since the petitioner was never ever arrested at the spot and no recovery whatsoever was ever effected from her, her involvement is clearly rendered debatable.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and also stands convicted in one more case regarding recovery of 15 kilograms of '*poppy husk*', it is apparent that she is a habitual and her complicity is clearly evident. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 11 months and that charges are yet to be framed and as many as 20 PWs have been cited.
5. This Court has considered the rival submissions.

6. The petitioner admittedly is named in the FIR but was never ever apprehended at the spot. The other person i.e. Salim Khan against whom the police claims to have secret information like the case of the petitioner, has been found innocent. The petitioner, who is a lady, has been behind bars for a substantial period of 1 year and 11 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and as many as 20 PWs have been cited. In these circumstances, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

**10.11.2022**  
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**( Gurvinder Singh Gill )**  
**Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No