

2024:PHHC:164847



228.

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

**CRM-M-26013-2024**

Date of decision: 10.12.2024

Neelam Khosla

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present: Mr. Randeep Singh Waraich (Rana), Advocate,  
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

\*\*\*\*\*

**MANJARI NEHRU KAUL, J. (ORAL)**

Present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No.62, dated 14.04.2024 under Sections 21, 21(c), 29 of NDPS Act, 1985, registered at Police Station STF Mohali, District SAS Nagar.

Learned counsel for the petitioner submits that the false implication of the petitioner in the present case is evident from the fact that neither was she apprehended along with the co-accused, who was allegedly found in possession of 800 grams of heroin along with the drug money in the sum of Rs.2 lakhs nor does she have any previous criminal antecedents much less being booked in any case under the NDPS Act. Learned counsel has also asserted that after the petitioner was arrested on 15.04.2024, no

recovery of any contraband much less heroin had been made from her which further lend credence to the petitioner's innocence. Learned counsel submits has lastly submitted that since investigation is complete, challan presented and even charges have been framed in the present case, further incarceration of the petitioner would serve no useful purpose as none of the 21 witnesses cited by the prosecution have been examined so far and, therefore, there being no possibility of the trial concluding in the near future.

*Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel opposite, on instructions from ASI Gulshan Kumar, has not disputed the custody period of the petitioner nor has the stage of trial being disputed by him. However, learned State counsel has submitted that a secret information was received qua the involvement of all the accused including the petitioner in drug trafficking. Pursuant to the secret information received, four co-accused were apprehended leading to huge recovery of 800 grams of heroin along with drug money from beneath the seat of driver of the car. Learned State counsel has, however, not controverted, on instructions, that the petitioner was neither accompanying the co-accused when the alleged recovery was made nor was recovery of any contraband effected from the petitioner at the time of her arrest.

On a pointed query, it has also not been disputed by the learned State counsel that the petitioner has no previous criminal antecedents.

I have heard learned counsel for the parties and perused the material placed on record.

Petitioner has been in custody since 15.04.2024; although secret information was received qua the involvement of all the accused in drug trafficking, however, admittedly, the petitioner was not accompanying the co-accused when the alleged recovery was effected; investigation qua the petitioner is complete as challan stands presented. Since none of the 21 prosecution witnesses have been examined till date, there is no possibility of the trial concluding in the foreseeable future.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to her, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)  
JUDGE

December 10, 2024  
sanjeev

|                            |        |
|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |