



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

222

CRM-M-62180-2024

Date of decision: 17.12.2024

Parveen Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.75 dated 08.04.2022 under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') (Sections 23 and 29 of the NDPS Act added lateron) registered at Police Station Sadar Ferozepur, District Ferozepur.

2. Learned counsel for the petitioner submits that even though the petitioner is falsely implicated in the present case and arrested on 08.04.2022, the trial had not concluded so far, hence, the petitioner deserves to be enlarged on bail moreso when co-accused Parkash Kaur had already been extended a similar relief. It has been further submitted that the petitioner was nominated as an accused in the present case only on mere suspicion without any recovery having been effected from her which also indicated her innocence and non-



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involvement in drug trafficking. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances, moreso when the petitioner is not involved in any other criminal case, she deserves to be enlarged on bail.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Jaswant Singh, has submitted that the petitioner cannot claim parity with co-accused Parkash Kaur since the latter was granted bail about a year back and that too on account of the fact that at that point in time only one prosecution witness had been examined and that too partially. However, ever since then as many as seven prosecution witnesses, which include all the material witnesses have been examined, seven witnesses have been given up and now only six prosecution witnesses, who are formal in nature, remain to be examined; next date fixed before the learned Trial Court is 17.12.2024 when in all likelihood all the prosecution witnesses would be examined. Learned State counsel has also drawn the attention of this Court to the allegations levelled in the FIR in question and submitted that the petitioner has been actively involved in the sale and purchase of narcotic substances and was specifically named in the FIR. The recovery which was effected from the patrol track adjoining Indo-Pak Border, was huge weighing 920 grams of heroin, much more than the minimum classified as 'commercial' under the NDPS Act. Learned State counsel has further submitted that during interrogation it surfaced that the petitioner had thrown two packets containing the recovered



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contraband. Learned State counsel has, therefore, asserted that in the aforementioned facts and circumstances moreso when the trial in all likelihood would be concluding shortly, the petitioner does not deserve the concession of bail.

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

5. No doubt, the petitioner has been in custody since 07.04.2022, however, the alleged recovery effected, after due compliance of mandatory provisions of the NDPS Act, has been classified as 'commercial' and without doubt is huge. In the circumstances and keeping in view the stage of trial, this Court is not inclined to extend the concession of bail to the petitioner. Accordingly, the instant petition is hereby dismissed.

6. It is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. However, it is expected that the prosecution as well as the defence would cooperate in the expeditious conclusion of the trial and would not take any adjournments.

17.12.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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