



CRM-M-1221-2025

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

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CRM-M-1221-2025
Decided on :24.09.2025

Kamaljit Kaur

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Charanpreet Singh, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.102 dated 19.06.2024, under Section 21-B of NDPS Act, registered at Police Station Garhshankar, District Hoshiarpur.

2. On the last date of hearing, i.e., 20.05.2025, learned State counsel submitted that petitioner had previously been involved in similar offences, having been convicted in two cases , one in the year 2008 and another in 2013, both pertaining to offences of a similar nature under the NDPS Act.

3. With regard to the aforementioned cases from 2008 and 2013, learned counsel for the petitioner submits that, in both instances,



petitioner is on bail. However, after a lapse of approximately 11 years, she has now been falsely implicated in the present case.

Counsel further contends that the alleged recovery in the present matter comprises 195 tablets of Etizolam, with the active salt content found to be 22 grams. It is submitted that petitioner has already undergone more than one year and one month of incarceration and is not presently facing trial in any other case under the provisions of NDPS Act. Moreover, upon receipt of the FSL report, it was the petitioner herself who voluntarily surrendered before the authorities in connection with the case.

It is also submitted that although the investigation has been completed and the challan was presented on 17.01.2025, none of the prosecution witnesses have been examined out of total 12 prosecution witnesses. Therefore, counsel submits that culmination of trial is likely to take considerable time, thus, prays for grant of bail.

4. On the other hand, the learned State counsel has filed the custody certificate of the petitioner and confirms that she has undergone a total incarceration period of one year, one month, and nine days. It is further confirmed that the petitioner is not shown to be involved in any other case, except the present one in which she is currently facing trial.

However, the learned State counsel is unable to dispute the fact that, despite the presentation of the challan on 17.01.2025, none of the prosecution witnesses have been examined till date.



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

6. The legislation, namely the BNSS Act, 2023, has also reiterated its intent to provide special provisions for the release on bail of certain categories of persons, including women, children, Sikhs, and infirm persons while they are in custody. For reference, Section 480(1) of the BNSS Act reads as under:

“480. When bail may be taken in case of non-bailable offence.

(1) *When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-*

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be



released on bail if such person is a child or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.

(2)xxxxxxxx

(3) xxxxxxxx

(4) xxxxxxxx

(5) xxxxxxxx

(6)xxxxxxxx

(7)xxxxxxxx”

7. Considering the fact that petitioner is a woman and has not been found involved in any other case under the provisions of the NDPS Act for the past approximately 11 years, and further, there is no dispute



that she voluntarily surrendered in the present case after availing the concession of interim bail, this conduct deserves due consideration.

It is also relevant to notice that, since the year 2013, petitioner has not been found indulged in any similar activity, except for the proceedings currently pending in the present case, which are yet to be finalized. The guilt of the petitioner in the present matter is yet to be established by the prosecution beyond reasonable doubt.

Moreover, in terms of proviso to Section 480(1)(i) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), petitioner is entitled to the benefit of special protection granted to certain categories of individuals, including women.

Therefore, in the interest of justice and fairness, and keeping in view the legislative intent behind proviso Section to 480(1) of the BNSS, which expressly provides for the grant of bail to such categories, this Court finds it appropriate to allow the present petition. Accordingly, petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



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9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

24.09.2025

Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*