



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

CRM-M-1217-2025
Date of decision: 25.02.2025

Reena @ Reena Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner under Section 483 of BNSS, 2023 seeking grant of regular bail in case having FIR No.39 dated 09.04.2024, under Sections 21(c), 27-A of NDPS Act, Police Station Sadar Gurdaspur, District Gurdaspur.

2. The allegations in brief are that on 09.04.2024, police apprehended one car which was driven by co-accused Vishal, who managed to escape from spot. While two other occupants of the car namely present petitioner Reena and co-accused Kamlesh were apprehended at the spot. On checking of the car, 255 grams of heroin and Rs.17000/- were recovered from the dash board of the said car.

3. The counsel appearing on behalf of the petitioner inter alia submits that the petitioner is falsely implicated in the present case. The petitioner was not aware about the articles which were placed in the dash board by Vishal who was driving the said car. The petitioner was sitting on



the rear seat of the car and has nothing to do with the contraband and cash if any recovered from the dash board. It is further submitted that the petitioner who is having two minor children is incarcerated for the last more than 9 months and is having no criminal history and that the trial is going to take time. That in the given circumstances, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that the driver of the car namely Vishal managed to escape. However, two other occupants namely petitioner and Kamlesh wife of Vishal were apprehended from the said car. On checking of the said car, police recovered 255 grams of heroin and drug money worth Rs.17000/- from its dash board. However, the State counsel has not disputed the fact that the petitioner is having no criminal antecedents and at the time of recovery, she was sitting on the rear seat of the car and later on, the driver of said car namely Vishal was also arrested. It is also not disputed that till date, prosecution is unable to examine any witness out of total 16 witnesses.

5. I have considered the submissions made by counsel for the parties.

6. No doubt, the petitioner was stated to be sitting on the rear seat of the car, when the police effected recovery of aforesaid contraband and cash from its dash board and the car was driven by Vishal and his wife Kamlesh was sitting along side him. It is apparent that petitioner was having no criminal history while Vishal is involved in some other cases under NDPS Act. The exact complicity of the present petitioner will be established during trial, as the recovery in the instant case was made from



the dash board of the car and the petitioner was neither owner nor driver of the said car and was rather sitting on the back seat of the said car. It is also apparent that the petitioner is in custody for the last more than 9 months and it will take time for trial to terminate. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period, as the alleged recovery was not effected from the physical possession of the present petitioner.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

25.02.2025

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No
Yes/No