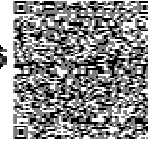


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

232

CRM-M-14673-2025 (O&M)
Date of decision: 04.09.2025

Rekha alias Rekha Rani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

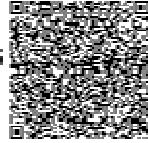
Present:- Mr. Ravi Malhotra, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS'), is for grant of regular bail to the petitioner in FIR No. 236 dated 28.08.2024, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Phillaur, District Jalandhar (Rural).
2. Brief facts of the case relevant for the disposal of the present petition are that on 28.08.2024, the petitioner and co-accused Rahul @ Mangi and Anil Paswan, while coming on a motorcycle bearing registration number PB-10-F-3065, were apprehended by a police party and recovery of 01 kg. 50 grams of Charas was effected from a bag which the petitioner was holding in her hand. All of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court on 24.02.2025 and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. She had moved an

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application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 20.11.2024.

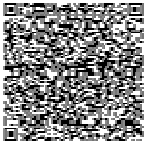
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the recovery of the alleged contraband, shown to have been effected from the petitioner and co-accused, was planted by the police officials. The quantity of the recovered contraband is marginally higher than the commercial quantity. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. No useful purpose would be served by keeping her in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, she is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party on 28.08.2024 along with aforesaid co-accused and recovery of 01 kg. 50 grams of *Charas* was effected from her. The said quantity of the contraband obviously falls under commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as there is nothing on record to show that she did not commit the subject offence or would

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not indulge in similar offences, if released on bail. Investigation has since been completed and challan has been filed. Merely because there is some delay in trial, the petitioner cannot be granted concession of bail given the peculiar facts of the case. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.09.2025
Waseem Zaidi

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No