



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

243

CRM-M-19992-2024 (O&M)  
Date of Decision:- 18.03.2025

GURMAIL KAUR @ MELO

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. S.S. Gill, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

| FIR No. | Dated      | Sections           | Police Station                 |
|---------|------------|--------------------|--------------------------------|
| 491     | 21.10.2023 | 21 and 29 NDPS Act | City Barnala, District Barnala |

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner has been nominated on the disclosure statement of co-accused Babli and Jaswinder Singh @ Jassi from whom 260 grams of heroin was recovered. He further contends that consequent upon the arrest of



the petitioner on 26.02.2024, no contraband has been recovered from her and after the completion of investigation, challan has been presented in Court and the conclusion of trial will take sufficient long time. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner is actively involved in the business of drug peddling and had made the payment to co-accused Babli and Jaswinder @ Jassi for buying the contraband. Thus, prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered against the co-accused Babli and Jaswinder Singh @ Jassi on being apprehended by the police party and recovery of 260 grams of heroin was effected from them. It is not disputed that the petitioner was not named in the FIR but her name surfaced in disclosure statement made by aforesaid co-accused Babli and Jaswinder Singh @ Jassi, to be the prospective buyer of the contraband. Accordingly, the petitioner was arrested on 26.02.2024 and consequent upon her arrest, no contraband has been recovered from her possession. After the completion of investigation, challan has been presented in Court wherein prosecution has cited 15 witnesses and only 06 witnesses have been examined till date. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.



6. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
7. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after her release on bail, it will be open for the prosecution to move an application for cancellation of her bail in accordance with law.
8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.
9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)  
JUDGE

18.03.2025  
S.Sharma(syr)

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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |