



CRM-M-17065-2025

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

CRM-M-17065-2025
Date of decision : 15.09.2025

Bhajan Kaur @ Bhajno @ Rani @ Rani Kaur Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. L.S. Sekhon, Advocate for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present second petition has been filed for grant of regular bail in case FIR No.85 dated 13.07.2023, under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Amargarh, District Malerkotla (earlier District Sangrur).

2. Succinctly the facts of the case are that the Police party while on patrolling on 13.07.2023 received a secret information to the effect that Rani Kaur @ Bhajno (petitioner) and Paramjit Kaur @ Pammi were involved in selling intoxicant vials. It was informed that they would bring intoxicant vials from outside for selling in the same area. The secret informer further informed that both the ladies were waiting for their customers at Village Bangrian and if the raid is conducted, they could be arrested along with the contraband. On receiving the secret information, raiding party was constituted and the same reached at the place disclosed. Two women were found sitting there who were holding the plastic envelopes. They were suspected to be carrying some contraband in the same and thus, both were arrested and on asking they disclosed their names to be Rani Kaur @ Bhajno and Paramjit Kaur @ Pammi. On suspicion, the plastic envelope being carried by them were searched and



on conducting the search 14 vials of RX Chlorpheniramine Maleate & Codeine Phosphate Syrup 100 ML were recovered from the petitioner and 18 intoxicant vials of the same, were recovered from co-accused Paramjit Kaur @ Pammi. They failed to produce any license regarding possession of the same and hence, the FIR was registered and they were arrested on spot. Investigation commenced and samples taken were sent to FSL. On receipt of FSL report, challan presented and on framing of charges, the trial Court commenced the trial. The petitioner approached the Learned Judge, Special Court, Sangrur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Sangrur vide order dated 21.09.2023. Aggrieved by the same, the petitioner earlier approached this Court by way of filing of CRM-M-58481-2023, however, the same was dismissed as withdrawn vide order dated 22.12.2023. Hence, the petitioner is before this Court by way of filing of present second petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that admittedly the FIR was registered against the petitioner on the basis of secret information, however, there is violation of provisions of Section 42 of NDPS Act. He submits that the recovery has been effected from a public place, however, no independent witness was joined by the Investigating Agencies. He further submits that the recovery has been effected in violation of Section 50 of NDPS Act. He submits that though petitioner is involved in other cases, however, she is on bail in those cases. He submits that petitioner is behind bars from last more than 02 years, however, the trial has still not been concluded and thus, her right of speedy trial has been defeated. He thus, submits that in the facts and



circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by the counsel for the petitioner and submits that on receiving the secret information, FIR was registered. The recovery effected from the petitioner is 14 vials, weighing 1.717 kg of Codeine phosphate, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He submits that out of total 14 prosecution witnesses, 07 witnesses remains to be examined. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the case of the prosecution is based on the secret information. The recovery effected from the petitioner is from a public place, however, no independent witness was joined. As per custody certificate, the petitioner has suffered an incarceration of 02 years, 01 month and 28 days as on 14.09.2025. It further reflects that though she is involved in other cases, however, she is on bail in those cases. As submitted before this Court, out of total 14 prosecution witnesses, 07 witnesses still remains to be examined.

6. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under



Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.

7. The Hon’ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC



695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

8. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in ‘**Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**’, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

9. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(**RAJESH BHARDWAJ**)
JUDGE

15.09.2025

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