



CRM-M-20606-2025(O&M)

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

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CRM-M-20606-2025(O&M)

Decided on :26.05.2025

Kulwinder Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Maninder Singh Saini, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in FIR No. 0008 dated 02.02.2025, under Sections 18/61/85 of NDPS Act, registered at Police Station City Banga, District SBS Nagar, Punjab.

2. Learned counsel for the petitioner submits that the alleged recovery pertains to a *non-commercial quantity* of 1.5 kilograms of opium from a vehicle bearing registration number PB78-A-8407, which was being driven at the relevant time by petitioner's husband, namely, Harjinder Singh @ Jinder, who is already facing prosecution in other cases under the NDPS Act.

Counsel further submits that the petitioner cannot be held liable for the alleged offence in the absence of cogent evidence establishing her conscious possession of the contraband, particularly when her presence inside the vehicle at the relevant time remains unproven. It is further argued that the petitioner is a woman with no



previous involvement in similar offences, and has been in custody since 02.02.2025. Nothing incriminating, apart from some currency notes and formal articles mentioned in the FIR, was recovered from her possession. Counsel submits that the petitioner is completely innocent and, therefore, prays for the grant of regular bail

3. On the other hand, learned State counsel, while unable to dispute the factual assertions made by the petitioner, submits that the petitioner cannot be presumed innocent in the absence of substantial evidence to that effect. It is further submitted that petitioner's husband namely, Harjinder Singh @ Jinder, is involved in other cases under the NDPS Act, and therefore, the petitioner's culpability in the present case is also likely to be higher.

4. However, on being asked by the Court, it is informed that the investigation has been completed and the challan has also been submitted before the Court; however, the process of recording the statements is yet to commence.

5. Heard learned counsel for both parties and perused the record. Taking into consideration the fact that the petitioner is a woman, and that the question of conscious possession with respect to the recovered 1.5 kg of opium(non-commercial) remains debatable, this Court finds it appropriate to consider the petitioner's plea for regular bail.

6. In view of the above, this Court is of the considered opinion that the petitioner deserves an opportunity for rehabilitation and reintegration into society. Accordingly, and without making any comments on the merits or the evidentiary value of the material collected

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by the prosecution, this Court primarily considering the prolonged incarceration of the petitioner and the non-examination of material witnesses is of the view that her personal liberty cannot be curtailed indefinitely.

Therefore, the present petition is allowed, and the petitioner is directed to be released on regular bail, subject to her furnishing personal and 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.

7. 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.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

10. Application(s), if any, shall also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

26.05.2025*Rashmi*

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