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

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CRM-M-20944-2025 (O&M)
Date of decision: 20.05.2025

Gurmit Kaur @ Meeto

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Damanjit Singh Sandhu, 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, is for grant of regular bail to the petitioner in FIR No. 82 dated 15.09.2023, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mehtiana, District Hoshiarpur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 15.09.2023, petitioner Gurmit Kaur @ Meeto along with co-accused Jaswant Kaur @ Meena and Bimla @ Bimbo were apprehended by a police party headed by ASI Vijay Kumar. During their search, 115 grams of intoxicant powder was recovered from co-accused Bimla @ Bimbo, 124 grams of intoxicant powder was recovered from co-accused Jaswant Kaur @ Meena, whereas 106 grams of intoxicant powder was recovered from the present petitioner. As per FSL report, the said powder was found to be containing

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Alprazolam. All of them were formally arrested. The petitioner was granted bail but subsequently, she absented from Court proceedings and her bail was cancelled on 16.11.2024. Thereafter, she surrendered on 21.01.2025 and since then, she is in custody. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The quantity of the contraband allegedly recovered from the petitioner is marginally above the commercial quantity. Even otherwise, investigation has since been completed and *challan* has been filed. The trial is likely to take a long time. The petitioner is in custody since 21.01.2025. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Short reply has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against her. She is a habitual offender as she has been convicted in four cases under the NDPS Act, whereas in two cases of similar nature, she is facing trial. A commercial quantity of the contraband has been recovered from her. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial may be expedited. It is also argued that if the petitioner is released on bail, she may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

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and have also perused the material placed on record.

6. The petitioner along with co-accused was apprehended by the police party on 15.09.2023 and recovery of 106 grams of intoxicant powder (*Alprazolam*) was effected from her. The petitioner was granted concession of bail by the learned trial Court but she absented from the Court proceedings resulting into cancellation of her bail. Thereafter, she absconded for about two months before surrendering before the Court on 21.01.2025. The quantity of the contraband recovered from the petitioner falls within the ambit of commercial quantity. She is shown to be involved in multiple cases under the NDPS Act and even has been convicted in four cases under the NDPS Act. This shows that the petitioner is a habitual offender. Since commercial quantity of the contraband has been recovered from the petitioner, the rigors of Section 37 of the NDPS Act would certainly be attracted against her. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded keeping in view her antecedents. 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

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as an expression of opinion on the merits of the case.

20.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>