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

**CRM-33799-2025 in/and
CRM-M No.22192 of 2025
Date of decision :28.08.2025**

Jiuni Kaur @ Jeon Kaur**.....Petitioner**

versus

State of Punjab**.....Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Mikhail Kad, Advocate
for the petitioner.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)**CRM-33799-2025**

Allowed as prayed for. Order of Hon'ble High Court dated
22.08.2025 is ordered to be taken on record as Annexure P-3.

CRM-M-22192-2025

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.84, dated 24.12.2023, under Sections 15, 29 & 61 of NDPS Act, 1985, registered at Police Station Sandaur, District Malerkotla.
2. Succinctly the facts of the case are that on 24.12.2023, the police party while on patrolling, received a secret information to the effect that Bhim @ Bhima and Jeon Kaur @ Jeoni (petitioner) were habitual of selling poppy husk in connivance with each other and concealed a heavy quantity of poppy husk in the area adjacent to their house. In case of raid, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the raid was



conducted at the place disclosed. On search of the same, 60 kgs of poppy husk were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, challan was presented and on framing of charges, the trial Court commenced with the trial. The petitioner approached the learned Judge, Special Court, Malerkotla praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Malerkotla vide order dated 21.02.2025. Hence being aggrieved, the petitioner has approached this Court by way of filing the present petition praying for the grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the present FIR has been registered on the basis of secret information, however, there is a violation of mandatory provisions of Section 42 of NDPS Act. He submits that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. He submits that no recovery as alleged has been made, however, the same has been planted upon the petitioner. It is submitted that the petitioner is behind bars since the date of her arrest and she has suffered an incarceration of about 01 year and 08 months. He submits that the petitioner is involved in one more case, however, she is on bail in that case. He submits that there is no progress in the trial despite the petitioner languishing in jail from last more than 1½ years. He submits that petitioner's right of speedy trial is defeated. He has submitted that co-



accused of the petitioner, namely, Bhim Singh, has already been granted bail by this Court vide order dated 22.08.2025 passed in CRM-M-44593-2025 and thus, case of the petitioner is at par with that of the co-accused. He has submitted that in the facts and circumstances, the petitioner deserves to be granted bail.

4. Reply dated 15.07.2025 by way of an affidavit of Manavjit Singh Sidhu, PPS, Deputy Superintendent of Police, Sub Division, Malerkotla on behalf of the respondent-State along with custody certificate of the petitioner has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. *Per contra*, learned State counsel has opposed the submissions made by the counsel for the petitioner. She has submitted that there was specific information regarding the petitioner and on conducting the search, 60 Kgs of poppy husk was recovered, which falls under the category of commercial quantity and thus, the provisions of Section 37 of NDPS Act are attracted in the present case. She further submits that the petitioner is involved in one more case. She, on instructions, has submitted that out of total 18 prosecution witnesses, no witness has been examined so far. She has endorsed the fact that the co-accused of the petitioner has already been granted bail by this Court vide order dated 22.08.2025.

6. Heard.

7. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since 24.12.2023 As submitted, out of total 18 prosecution witnesses, no witness has been



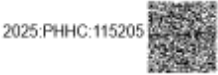
examined so far. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 08 months and 02 days as on 28.08.2025. It further shows that the petitioner is involved in one more case, however, she is on bail in that case. The recovery effected in this case falls under the category of commercial quantity. Co-accused of the petitioner has already been granted bail by this Court vide order dated 22.08.2025.

8. 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.”*

9. The veracity of the allegations would be assessed only after the 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 on parity. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.