



CRM-M-26525-2024(O&M)

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

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CRM-M-26525-2024(O&M)

Decided on :10.07.2025

Davinder Kaur

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in case FIR No.06 dated 05.01.2023, under Sections 22 and 29 of NDPS Act, registered at Police Station Sohana, District SAS Nagar, Mohali.

2. Learned counsel for the petitioner contends that the petitioner, aged 48 years, is a household lady who has been falsely implicated in the present case. Counsel further submits that, according to the allegations, there was recovery of 2,760 tablets of salt containing Lomotil and 850 tablets of Tramadol.

Counsel emphasizes that the petitioner has no previous history of involvement in any similar activity, and it appears highly improbable that at this stage of her life she would be indulging in the illegal drug business, that too with such a huge quantity. It is submitted that the petitioner has been in custody for approximately two years and five months, during which the trial has not progressed effectively.

Considering that the liberty of a woman and a household lady is at stake, counsel submits that no useful purpose would be served



by keeping the petitioner incarcerated any longer. Furthermore, counsel assures the Court that the petitioner is willing to cooperate fully with the trial proceedings and undertakes not to be absent during the trial, except with prior permission in case of genuine necessity.

3. While opposing the prayer, learned State counsel submits that there is no dispute regarding the recovery, which undoubtedly constitutes a heavy and commercial quantity. Learned State counsel further submits that the petitioner's custody is essential for the effective investigation and trial proceedings.

Learned State counsel has filed status report by way of an affidavit of Harsimran Singh Bal, PPS, Deputy Superintendent of Police (City-II), District SAS Nagar, in Court today. Same is taken on record. Registry is directed to tag the same at appropriate place with paper-book.

Learned State counsel has also filed the custody certificate of the petitioner in Court today, which is taken on record. It is further submitted that the petitioner is facing trial for serious offences involving illicit drugs, and thus, the prayer for bail or suspension of sentence may not be considered lightly in the interest of justice and public safety.

4. Considering all aspects, and particularly the fact that the petitioner has been in custody for the past two years and five months while the trial has not progressed effectively, only two out of seventeen prosecution witnesses having been examined, this Court finds merit in the petitioner's prayer for bail.

This Court is of the considered view that the petitioner, who has been in custody for over two years and five months, deserves a fair opportunity for rehabilitation and reintegration into society. Without expressing any opinion on the merits or sufficiency of the prosecution's evidence, and keeping in view that only two out of seventeen prosecution witnesses have been examined so far, this Court opines that the petitioner's personal liberty ought not to be curtailed indefinitely, especially when the conclusion of the trial is likely to take a considerable period of time.

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5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing bail/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.

6. 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.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

10.07.2025*Rashmi*

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