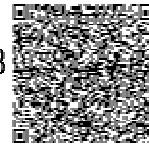


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-23742-2025 (O&M)

Date of decision: 20.05.2025

Maninder Kaur**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the third petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 184 dated 20.09.2022, registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Mahilpur, District Hoshiarpur. The previous petitions were dismissed as withdrawn.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 20.09.2022, the petitioner and co-accused Bikram Singh @ Romy, Ravinder Kaur, Parminder Kaur @ Renu and Sandeep Kumar, while coming in a car bearing registration number CH-01-AY-0023, were apprehended by a police party headed by SI Jaswant Singh and recovery of 255 grams of heroin was effected from the dashboard of the said car. All the accused persons were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* under Section 173 of

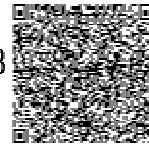
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Cr.P.C. was presented on 14.03.2023 in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, co-accused Sandeep Kumar is the husband of the present petitioner and other co-accused are family members of the petitioner. They, being family members, were travelling together in the aforesaid car. All of them have been falsely implicated in this case by planting the aforesaid contraband in the car. The petitioner has been falsely implicated in one more case but she is on bail in that case. Even otherwise, the quantity of the alleged contraband is marginally higher than the commercial quantity. It is further argued that a perusal of the copies of the zimni orders passed by the learned trial Court, which have been placed on record, would show that the trial is substantially delayed as only two witnesses have been examined so far. Now, an application under Section 311 of Cr.P.C. has been filed, which is pending. Even investigation qua co-accused Jasvir Kaur @ Fojan is being conducted and on completion of the same, supplementary *challan* shall be submitted. All this goes to show that conclusion of trial would take considerable long time. The petitioner is in custody since 20.09.2022 i.e. for the last more than 02 years and 07 months. In view of substantial delay in trial, the petitioner is entitled to get benefit of bail. No useful purpose would be served by keeping the petitioner in custody anymore. Similarly situated co-accused Sandeep Kumar has already been granted concession of regular bail by this Court, vide order dated 12.05.2025 passed in **CRM-M-15238-2025**. On the grounds of parity, the petitioner too

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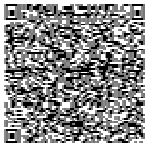
deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. *Per contra*, learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as she along with the co-accused was nabbed at the spot and recovery of 255 grams of heroin was effected from the car, in which they were travelling. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. As per the allegations, the petitioner and above named four co-accused, one out of whom, namely Sandeep Kumar, is stated to be the husband of the present petitioner, were apprehended by the police party and recovery of 255 grams of heroin was effected from their car. The quantity of the alleged contraband is marginally higher than commercial quantity, the same being 250 grams. A perusal of the record reveals that the petitioner was implicated in one more case of similar nature but she is on bail in that case. The plea of the petitioner is that she was travelling in the said car along with his family and by planting a false recovery, the entire family has been roped in. Be that as it may, a perusal of the zimni orders passed by the learned trial Court, copies of which have been placed on record, shows that only two prosecution witnesses have been examined so far, despite the fact that *challan* was presented way back on 14.03.2023. The trial is obviously delayed and there is no likelihood of the same to conclude in near future as an application filed under Section 311 of Cr.P.C. is pending. More so, investigation qua co-accused Jasvir Kaur @ Fojan is being conducted and supplementary

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challan is to be presented after completion of investigation. The petitioner is in long incarceration of more than 02 years and 07 months. Co-accused Sandeep Kumar has already been granted concession of regular bail by this Court by passing a detailed order. The case of the present petitioner is on similar footing with that of the said co-accused. Therefore, keeping in view the aforementioned facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No