



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

216

CRM-M-23990-2025

Date of decision : 19.11.2025

ROOPA

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Sidhant Vermani, Advocate (Through V.C.)
Ms. Kavita, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG, Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 21, 27-A, 29 of NDPS Act read with Section 42 of the Prisons Act, the FIR No.70 dated 15.06.2020, has been lodged in Police Station STF, District SAS Nagar Mohali having camp office at Mall Mandi. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is second petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being in the backdrop of statement of Constable Balbir Singh, who stated that he was posted in Special Task Force (S.T.F.) Border Range Amritsar and that on that day, he got a tip-off from an informant that Vicky,



who was confined in Central Jail, Amritsar was using mobile phone No.84371-45354 for supply of Heroin to his customers. It was also disclosed by the informant that an associate of Vicky namely Nona @ Noni, resident of Amritsar having mobile phone No.70098-13676 used to supply Heroin on the instructions of Vicky, and thus trade of selling of Heroin, at large scale, was going on.

3. It is the case of the prosecution that in view of above-mentioned statement of above-mentioned Constable, which was reduced into writing, the FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation, the accused namely Vijay Kumar was interrogated, who during the course of interrogation suffered a disclosure statement pursuant to which 277 grams of Heroin and drug money was recovered. It is the case of the prosecution that pursuant to above-mentioned recovery, the petitioner who is wife of Vijay Kumar was arrested for being in conscious possession of contraband.

4. Heard.

5. It has been contended on behalf of petitioner that petitioner is innocent having no nexus whatsoever with the commission of crime and that she is being persecuted only because the husband of petitioner is alleged to have been involved in the illegal trade of drugs. As per learned counsel for the petitioner, the petitioner has responsibility of young children and there is nobody to look after them as her husband is already in custody. According to learned counsel for the petitioner the trial is not likely to be concluded in near future and that the petitioner has already suffered prolonged incarceration for a period of more than one and half year. It has also been contended that the



petitioner has no criminal antecedents.

6. *Per contra*, the learned State counsel has argued that the petitioner is not a person of clean antecedents and that this is the second petition for bail moved by the petitioner as the first one was dismissed by virtue of order dated 12.11.2024. As per learned State counsel from the date of dismissal of former bail petition no change in circumstance has taken place. The learned State counsel has also argued that otherwise also the petitioner is a person, who was afforded the benefit of bail earlier also but she misused the same and did not appear before the learned trial Court, which lead to declaring her a proclaimed offender. According to learned State counsel in view of above-mentioned past conduct the petitioner is not entitled for bail.

7. In addition to above, the learned State counsel has also argued that the facts of the present case reveals that husband of the petitioner was already confined in jail and from the house, where the petitioner was residing, 277 grams of Heroin was recovered, which itself shows the involvement of the petitioner in the commission of above-mentioned crime. As per learned State counsel the recovered contraband is commercial quantity and therefore, without satisfying the twin conditions enshrined under Section-37 of NDPS Act, the petitioner cannot be afforded the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, there are certain relevant factors, which are required to be taken into consideration for arriving at any decision. Those factors are:-

- i) that this is second petition for bail moved by the petitioner, and that from the date of dismissal of former bail petition no change in circumstance has taken place;



- ii) that the quantity recovered from the possession of petitioner comes within the ambit of commercial quantity and therefore, without satisfying the twin conditions enshrined under Sections 37 of NDPS Act, the petitioner is not entitled for the benefit of bail, and in the present case the above-mentioned conditions do not stand satisfied;
- iii) that the petitioner is a person, who has already misused the concession of bail as while on bail, she failed to turn up before the Court and therefore, she had to be declared a proclaimed offender.

10. Taking into consideration the above-mentioned mitigating circumstances, of the present case, but without commenting anything on merits of the case, it is hereby held that the petitioner is not entitled for the benefit of bail, and that the present petition moved by the petitioner is devoid of merits and deserves dismissal. The same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

19.11.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No