

2025:PHHC:094965



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

256

CRM M-25752-2025

Date of Decision:16.07.2025

Jaswant Kaur

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Jatinder Singh Dadwal, Advocate, for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed third petition under Section 483 of B.N.S.S., 2023 with a prayer to grant regular bail to her in case FIR No.0140 dated 08.08.2023 registered under Sections 22, 29 and 61 of N.D.P.S. Act 1985 at Police Station Garshankar, District Hoshiarpur.

2. The FIR in the present case has been registered on the basis of a rukka and the same has been reproduced below:-

“Head Officer P.S Garhshankar. Jai Hind, Today I INSP alongwith ASI Rashpal Singh Number 1320/HSP, L/S, CT Manjit Kaur in 431/HSP: L/PHG Poonam Devi 26681, PHG Shiv Kumar 26695 were in private vehicles alongwith Laptop, Printer, Pen Drive, Investigation Kit and were going towards village Denowal Khurd side

from Garhshankar for search of suspected persons. When police party reached near canal bridge Nawan Shahar then women came on foot holding polythene bag each in their hand. On seeing the police party they got nervous and try to turn back. On the basis of suspicion and with the help of lady constable they caught and asked about their name and address. Out of which one told her name as Jaswant Kaur wife of Amrik resident of Denowal Khurd P.S Garhahankar Distt. Hoshiarpur age approximately 40 years and another women told her name as Hardeep Kaur wife of Gurlal resident of Denowal Khurd P.S Garhshankar District Hoshiarpur age approximately 32 years. INSP introduced about my name, designation and appointment and told them that they have suspicion that you must have some intoxicant material. So search of yourself and your polythene bag be conducted from lady constable. But you have a legal right that you can get your search in the presence any magistrate or gazetted officer. They can be called on the spot or you can be appeared before them. They told that they have full trust on us and you can get search of their and polythene bag any of lady constables. Thus consent statement of Jaswant Kaur and Hardeep Kaur is written separately and notice under section 50 NDPS Act issued to both of the women. On this above said Jaswant Kaur and Hardeep Kaur put their signatures. Police party tried to join the public witness before search of Jaswant Kaur and Hardeep Kaur but everyone shown their helplessness and could not join the police party. Thus I INSP in the presence of companions conducted the search of Jaswant Kaur through L/S. CT Majit Kaur 431. On opening of polythene bag holding in her right hand

and intoxicant material recovered from it. On checking computerized weighing machine it is found as 72 gram. Then search Hardeep Kaur conducted through L/S. CT Majit Kaur 431. On opening of polythene bag holding in her right hand and intoxicant material recovered from it. On checking of computerized weighing machine it is found as 65 gram. Then separate recovered of parcels were prepared of intoxicant material having weight 72 gram and intoxicant material having weight 65 gram by keeping them in same polythene bag and sealed the same with stamp K.S. and the same kept into police possession and witness testify the same. Sample stamp prepared separately and stamp was handed over to ASI Rashpal Singh Number 1320/HSP after the use. Above said Jaswant Kaur and Hardeep Kaur could not produce any licence and medical slip. Jaswant Kaur and Hardeep Kaur committed an offence under Sections 22-61-85 NDPS Act for keeping intoxicant material having weight 72 gram and 65 gram in their possession. Thus ruka is written and sent to police station through PHG Shiv Kumar 226695 for registration of case. Case number be informed after registering the same. Special reports be prepared and control room be informed. I INSP alongwith companions were present on the spot. Sd/- Kuldeep Singh INSP P.S Garhshankar Distt Hoshiarpur dated 08.08.2023.”

3. Learned counsel for the petitioner contends that as per the prosecution, the petitioner was carrying 72 grams of Alprazolam in her conscious possession without any permit or licence. The petitioner was earlier granted the concession of *interim* anticipatory bail but on receipt of the FSL report, she had to surrender again before

the trial Court. Further, it was found that the petitioner was carrying 72 grams of Alprazolam and the quantity of the contraband was non-commercial in nature. Still, the petitioner is in custody since long and no useful purpose will be served by keeping her behind the bars. Apart from that, co-accused Hardeep Kaur has been granted the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that even though the quantity of contraband falls within the ambit of “non-commercial quantity” but the petitioner is a habitual offender and in the past also, she was found involved in following five more criminal cases of similar nature:-

(i) FIR No. 90 dated 17.04.2016 u/s 22, 61, 85 NDPS Act P.S Distt Garhshankar Hoshiarpur.

(ii) FIR No. 96 dated 27.08.2014 u/s 22, 61, 85 NDPS Act P.S Garhshankar Distt Hoshiarpur.

(iii) FIR No. 116 dated 05.11.2014 u/s 22, 61, 85 NDPS Act P.S Garhshankar Distt Hoshiarpur.

4. FIR No. 47 dated 27.03.2017 u/s 15, 18, 21, 61, 85 NDPS Act P.S Garhshankar Distt Hoshiarpur.

5. FIR No. 191 dated 12.07.2023 u/s 21, 29, 61, 85 NDPS Act P.S. Haroli, Una”.

Thus, the petitioner may again involve in similar offence and the petition deserves to be dismissed by this Court.

5. I have heard learned counsel for the parties and perused the record.

6. The petitioner had applied for grant of bail before this Court and on 28.08.2024, when the Court was not inclined to grant the relief to the petitioner, she had withdrawn the bail application from this Court. Thereafter, there has been no change of circumstance and still the second petition has been moved for grant of concession of regular bail to her. Moreover, the petitioner was involved in five more cases registered under the provisions of NDPS Act and the apprehension expressed by learned State counsel seems to be genuine and well founded. Thus, keeping in view the gravity of the allegations as well as need for custodial interrogation, the present petition deserves to be dismissed by this Court.

7. Dismissed.

16.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No