

2025:PHHC:102109



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

**CRM-M-26971-2025  
DECIDED ON: 04.08.2025**

**RADHIKA ALIAS PINKI**

**.....PETITIONER**

**VERSUS**

**STATE OF PUNJAB**

**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. G.S. Minhas, Advocate  
for the petitioner.

Mr. Sandeep Singh, AAG, Punjab.

**SANDEEP MOUDGIL, J (ORAL)**

**1. Prayer:**

The jurisdiction of this Court has been invoked under Section 483 BNSS.2023, seeking regular bail in FIR No. 17, dated 11.02.2025 (Annexure P-1), under Sections 21(c), 29, 61, 85 of NDPS Act registered at Police Station Division no. 2, Jalandhar during pendency of trial.

**2. Contentions:**

**On behalf of Petitioner**

Learned counsel for the petitioner has strenuously argued that the petitioner has been falsely implicated in the present case. It is submitted that no recovery was made from the conscious possession of the petitioner, and despite this, she has been in judicial custody since 11.02.2025.

It is further submitted that the petitioner underwent a uterus operation and is presently suffering from post-operative complications, including infection of the stitches. Given her medical condition, continued detention is detrimental to her health, as adequate treatment and care cannot be ensured within the confines of the jail.

Moreover, the petitioner is a mother of two minor children who are in urgent need of her care and supervision. Her husband is incapacitated due to a paralysis attack and is unable to fulfil parental responsibilities. In such compelling humanitarian circumstances, her release is sought on medical and compassionate grounds, as her presence at home is essential for the welfare of her family.

**On behalf of the State:**

Opposing the present petition for regular bail, learned State counsel has vehemently argued that the petitioner has been actively involved in the habitual sale of heroin over the past two years, in connivance with co-accused persons. It is further submitted that the petitioner was apprehended in possession of 30 grams of heroin, and during the course of investigation, a further recovery of 273 grams of heroin was effected at her instance.

The State contends that the petitioner is involved in a serious and grave offence under the NDPS Act and the alleged involvement in narcotics trafficking, a menace of growing proportions in our society, cannot be brushed aside lightly, therefore, does not deserve the concession of regular bail at this stage.

**3. Analysis**

Be that as it may, this Court is conscious of the fact that liberty is a fundamental right, and personal freedom is not to be curtailed unless

justified by law. At the same time, the law places upon the court a solemn duty to weigh personal rights against the larger interests of society to ensure that this freedom is not misused to the detriment of societal interests, especially in matters concerning the trafficking of narcotic substances.

In the case at hand the allegations against the petitioner are not limited to passive possession but as per the material placed on record, it is indicated that 30 grams of Heroin were recovered directly from the petitioner, and an additional 273 grams of Heroin were recovered during the course of investigation qua petitioner's disclosure. The total quantity recovered is above the "commercial quantity" threshold under the NDPS Act thereby attracting criminal rigour.

In respect of the assertion of the petitioner's prolonged incarceration and medical condition has been duly noted. While the right to adequate medical care for an under trial cannot be denied, it is also to be noted that there is no material on record to suggest that the petitioner's medical condition is so grave that it cannot be managed by jail authorities or through medical referrals. The right to treatment exists and is to be ensured by the State, but it does not, in every case, translate into a right to bail. The humanitarian aspect of the petitioner being a mother to two minor children and the family's difficult circumstances is not without weight. However, these concerns must be balanced against the seriousness of the offence alleged and the nature of the petitioner's involvement, which appears *prima facie* to be part of a larger chain of illicit trade.

This Court notes that the petitioner had previously filed an application bearing CRM-M-23023-2025, seeking advancement of the date of hearing on the ground of ill health. However, the application was found to be

lacking in merit and was consequently dismissed with costs of ₹10,000/-, directed to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh. It is further observed that the said costs have not been paid as of yet and still another petition for regular bail has been placed before this Court which appears to reflect a disregard for the previous orders passed by this Court and a lack of procedural discipline.

The Court cannot ignore the fact that the right to bail, though fundamental, is not absolute, and must be denied where the possibility of continued criminal activity or interference with the trial looms large. In this complex interweaving of compassion and caution, the Court must strike a balance and the seriousness of the offence and the apprehension of continued involvement in similar activities compel judicial restraint.

**4. Relief:**

In view of the nature of the allegations, the material collected during investigation, and the societal impact of the offence involved, this Court is not inclined to grant regular bail to the petitioner at this stage.

It is made clear that nothing contained in this order shall be treated as an expression on the merits of the case. The Trial Court shall decide the matter in accordance with law.

Accordingly, the petition stands dismissed.

Registry is directed to put the matter for its compliance with regard to deposit of costs.

(SANDEEP MOUDGIL)  
JUDGE

04.08.2025  
Sham

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