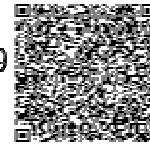


2025:PHHC:069649



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

255 (02 cases)

1. CRM-M-26985-2025 (O&M)**Ravinder Kaur****...Petitioner****Versus****State of Punjab****...Respondent****2. CRM-M-27021-2025 (O&M)****Parminder Kaur @ Veenu****...Petitioner****Versus****State of Punjab****...Respondent****Date of decision : 22.05.2025****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

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

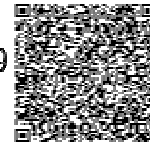
Mr. Vivek Sharma, DAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two petitions as they are similar in nature and seek similar relief.

2. The present petitions have been filed by the petitioners 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 The previous petitions filed by the petitioners were dismissed as withdrawn.

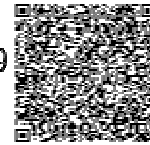
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2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 20.09.2022, the petitioners along with co-accused Bikram Singh @ Romy, Sandeep Kumar and Maninde Kaur, while coming in a car bearing registration number CH-01-AY-0023, 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 Cr.P.C. was presented on 14.03.2023 in the Court and presently, the petitioners along with the co-accused are facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioners has argued that the petitioners have been falsely implicated in this case. In fact, co-accused Sandeep Kumar is the brother-in-law of the present petitioners and other co-accused are family members of the petitioners. 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 petitioners have been falsely implicated in one more case but they are 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

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same, supplementary *challan* shall be submitted. All this goes to show that conclusion of trial would take considerable long time. The petitioners are 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 petitioners are entitled to get benefit of bail. No useful purpose would be served by keeping them in custody anymore. Similarly situated co-accused Sandeep Kumar and Maninder Kaur have already been granted concession of regular bail by this Court, vide orders dated 12.05.2025 and 20.05.2025 passed in **CRM-M-15238-2025** and **CRM-M-23742-2025**, respectively. On the grounds of parity, the petitioners too deserve the same benefit. It is, therefore, urged that the petitions deserve to be allowed.

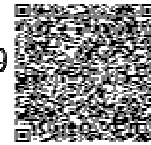
4. Notice of motion.

5. Learned Deputy Advocate General, Punjab has advance notice of the petitions and is ready to argue. It is submitted by him that the petitioners are not entitled to get benefit of bail as they along with the co-accused were 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.

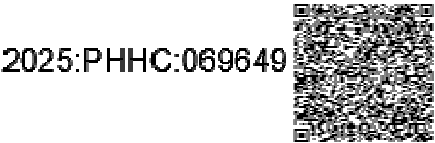
6. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

7. As per the allegations, the petitioners and above named co-accused were apprehended by the police party and recovery of 255 grams of heroin was effected from their car. The petitioners and other co-accused are stated to be family members. The quantity of the alleged contraband is

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marginally higher than commercial quantity, the same being 250 grams. A perusal of the record reveals that the petitioners were implicated in one more case of similar nature but they are on bail in that case. The plea of the petitioners is that they were travelling in the said car along with their 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 *challan* is to be presented after completion of investigation. The petitioners are in long incarceration of more than 02 years and 07 months. Co-accused Sandeep Kumar and Maninder Kaur have already been granted concession of regular bail by this Court, as mentioned above. The case of the present petitioners 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 petitioners in custody anymore. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their 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 petitioners are found involved in any other subsequent case.

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

9. Let a photocopy of this order be placed on the file of the connected case.

22.05.2025

(MANISHA BATRA)
JUDGE

Waseem Ansari

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