

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:082859



CRM-M-34487 of 2025 (O&M)

DATE OF DECISION: 10th July, 2025

Bimla Bai

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raman Kumar Advocate for the petitioners.

Mr. Durgesh Garg, AAG Punjab.

SUMEET GOEL, J (ORAL)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.38 dated 07.03.2025 under Sections 22/61/85 of NDPS Act and offence under section 29 of NDPS Act and 111 BNS added later on registered at Police Station Sidhwan Bet, Ludhiana.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“Senior Officer, P.S. Sidhwan Bet, "J Hind" today myself ASI along with ASI Inderjit Singh No. 222. Haldar Swaran Singh No. 846 and Constable Milan Kumar No. 321 were travelling in a government vehicle No. PB-65-AW-3214, the driver of which was Constable Milan Kumar No. 321, with a laptop printer, in connection with a suspicious person, while patrolling on the canal bridge Sidhwan Bet and the canal track to village Malsihan Bajan. When the police party reached village Sidhwa Bet from the canal bridge Janetpura, a young man was seen walking towards village Malsihan Bajan, holding a black envelope in his right hand. He got scared after seeing the

police party in front, he suddenly threw the black envelope in his hand and started running away, then the ASI stopped the vehicle and with the help of his fellow employees, arrested him and asked his name and address. Who on asking told his name as Jarnail Singh alias Jelly son of Harnek Singh alias Maddi resident of Salempura police station Sidhwan Bet district Ludhiana. ASI told Jarnail Singh alias Jelly while complying with under Section 50 of the NDPS Act that I am ASI Gursewak Singh posted at Police Station Sidhwan Bet. I am wearing uniform as per my rank and have name plates attached. I suspect that there is some narcotic substance in the envelope you threw on the ground, therefore I have to search you and the envelope you threw. But you have the legal right to search the envelope thrown on the ground searched by a magistrate or a gazetted officer, who can be called on your behalf on the occasion or you can be taken to them. Then Jarnail Singh @ Jelly said that I am completely sure that you can search me and the envelope thrown on the ground by me. On which the word of knowledge and consent of the said Jarnail Singh @ Jelly was written and the Fard Bian consent was signed by Jarnail Singh @ Jelly and the witnesses. Then the ASI opened and checked the black envelope thrown on the ground by the Jarnail Singh @ Jelly, from which Tramadol Hydrochloride Tablets 100 mg Glovidal-100 SR were recovered. On counting 03 leaves each leaf 10/10 total 30 narcotic pills, in all the leaves Batch No., Manufacture date Exp Date erased, were recovered. On the occasion, an attempt was made to include the witness of the public but no person joined. Jarnail Singh @ Jelly could not produce any doctor's prescription or license etc. regarding keeping the said narcotic pills in his possession. Recovered 30 narcotic pills brand Tramadol Hydrochloride Tablets 100 mg Clovidol-100 SR along with envelope putting in a bundle along with SR in a cloth bag and sealed the said bundle with his sea GS and prepared a Sample seal separately, after using the stamp handed over to ASI inderjit Singh no. 222, Jarnail singh @ jelly committed the crime of u/s 22-61-85 of NDPS by keeping the 30 narcotic pills brand Tramadol Hydrochloride Tablets 100 mg Clovidol-100 SR. Therefore, against Jarnail Singh alias Jelly son of Harnek Singh alias Mandi resident of Salempura police station Sidhwa Bet, the crime of 22-61-85 NDPS Act is being sent to the police station of Constable Milan Kumar No. 321. A case should be registered and the case number should be informed. Special reports should be issued and the BCR should be informed. The investigation is underway with the help of ASI and other employees.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 10.03.2025. Learned counsel for the petitioner has further

submitted that the petitioner has been primarily implicated into the FIR in question on account of a disclosure statement made by coaccused namely Jarnail Singh @ Jelly. Learned counsel for the petitioner has further submitted that FSL report has since been received which reflects that the contraband in question is non-commercial in nature. Learned counsel further submitted that the investigation in the present case is complete and no useful purpose would be served by keeping the petitioners behind bar any longer. Learned counsel for the petitioner has further argued that the petitioner has been falsely implicated in the FIR in question.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was was arrested on 10.03.2025 whereinafter investigation was carried out & challan was presented on 25.5.2025. Total 10 prosecution witnesses have been cited and charges are yet to be framed. It is indubitable that the culmination of the trial, but of course, will take its own time. It is not in dispute that pursuant to the receipt of the FSL report, the contraband in question has been found to be non-commercial in nature. The contentions raised by rival parties give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per the custody certificate dated 10.07.20225 filed by the

learned State counsel, the petitioner has suffered incarceration for 3 months and 29 days. Though the petitioner is shown to be involved in two other cases pertaining to NDPS Act but the same fact will not be sufficient by itself to decline the concession of regular bail to the petitioner in the case in hand since the contraband is now stated to be that of non-commercial quantity. Suffice to say further detention of the petitioner as an undertrial is not warranted in the factual *milieu*.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioners shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the

petitioner.

9. Ordered accordingly.
10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

10th July, 2025

reema

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No