



CRM-M-35639-2025

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

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**CRM-M-35639-2025(O&M)
Decided on :15.07.2025**

Jaswinder Kaur @ Babbo

... Petitioner(s)

Versus

The State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Charanpreet Singh, Advocate for
Mr. B.S. Kathuria, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C., seeking regular bail in case FIR No.108 dated 03.07.2023, under Section 22 of NDPS Act, registered at Police Station Garshankar, District Hoshiarpur.

2. Learned counsel for the petitioner contends that, in the present case, 13 injections of Buprenorphine were recovered, totaling 26ml (2 ml × 13). He argues that under the NDPS Act, the maximum quantity for a non-commercial classification is 20 grams, and while the recovered quantity exceeds this threshold, it falls within the range of *intermediate quantity*.

It is submitted that the petitioner is a woman and she is in custody since the time of her arrest i.e. 03.07.2023, amounting to over two years of period as incarceration. Counsel further points out that



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although there was one previous case registered against the petitioner but she was sentenced to the period already undergone i.e. of 25 days, after being held guilty, and there is no other case is currently pending against her.

Counsel also submits that out of the total 10 prosecution witnesses, only 5 have been examined to date. Considering the prolonged custody, it is argued that no meaningful purpose is being served to the prosecution by prolonging her incarceration period.

3. While opposing the prayer, learned State counsel submits that the recovered quantity is of *commercial* nature, same being 6 ml above the *non-commercial* quantity. It is further contended that since the petitioner was earlier involved in a similar offence, she does not deserve the benefit of bail. Accordingly, prays for dismissal of the present petition.

However, the learned State counsel does not dispute that the petitioner has been in custody for the past two years, and also concedes that no other proceedings of a similar nature is pending against her.

4. Having considered the submissions of both the sides, and in particular, the fact that the petitioner has already undergone two years of custody period, while the trial has not progressed effectively as only five out of ten prosecution witnesses have been examined so far, this Court finds merit in the petitioner's prayer for bail.

Thus I am, of the considered view that the petitioner, who is a woman and has remained in custody for a substantial period, deserves a

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fair opportunity for rehabilitation and reintegration into society. Without commenting on the merits of the prosecution's case, and keeping in mind that the conclusion of the trial is likely to take considerable time, this Court is of the opinion that her continued incarceration would be unjustified. The petitioner's right to personal liberty ought not to be curtailed indefinitely.

5. Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

15.07.2025*Rashmi*

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No