

2025:PHHC:015937



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

217

CRM-M-40919-2024 (O&M)
Date of decision: 05.02.2025

Balwinder Kaur @ Binder ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 52 dated 24.06.2024, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) Police Station Jodhan, District Ludhiana.
2. Brief facts of the case relevant for the disposal of the present petition are that on 24.06.2024, a secret information was received that co-accused Avtar Singh @ Resham had kept poppy husk in a room of his house and he along with co-accused Baljit Singh @ Meeta were owner of the contraband. Believing the information reliable, a police party headed by Inspector Hira Singh conducted a raid on the house of co-accused Avtar Singh @ Resham. Co-accused Avtar Singh @ Resham was present in his house at that time. After following the proper procedure as prescribed under the NDPS

2025:PHHC:015937



Act, search of the house of the said co-accused was conducted and recovery of 900 kgs. of poppy husk was effected. He was formally arrested at the spot. On interrogation, he disclosed that Baljit Singh @ Meeta was the joint owner of the recovered contraband. He also disclosed that whenever Baljit Singh @ Meeta used to come to take poppy husk, the petitioner would accompany him in Verna car and they used to sell poppy husk to others. On the basis of the same, the petitioner was also nominated in this case as an accused and was taken into custody by way of production warrant on 12.07.2024 as she was already in custody in connection with some other case. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offence. She had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 01.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence. The petitioner is in judicial custody since 12.07.2024. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take a long time. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the

2025:PHHC:015937



disclosure suffered by the co-accused but during the course of investigation, the involvement of the petitioner in the subject crime has been established. The petitioner along with her husband Baljit Singh @ Meeta was actively involved in selling poppy husk. She is a habitual offender as she is involved in four more cases under the NDPS Act, out of which, she stands convicted in two cases, whereas in other two cases, she is facing trial. Trial is going on at the proper pace. It is also argued that if the petitioner is released on bail, she may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Avtar Singh @ Resham, from whose house, recovery of 900 kgs. of poppy husk was effected. As per the allegations, the husband of the petitioner was the joint owner of the recovered contraband with Avtar Singh @ Resham and the petitioner was actively involved in selling poppy husk to others. She is shown to be facing trial in two more cases under the NDPS Act, whereas in two cases of similar nature, she has been convicted. The petitioner seems to be a habitual offender. *Challan* has been presented and the trial is going on. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned Assistant Advocate General, Punjab that the petitioner, if extended bail, may abscond or indulge in similar offences cannot be stated to be unfounded at this stage. Keeping in view the discussion as made above, the quantum of sentence which the conviction may entail, the criminal antecedents of the petitioner and

2025:PHHC:015937



the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

05.02.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No