



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

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CRM-M No.41606 of 2025 (O&M)

Date of Decision: 20.11.2025

Baljinder Kaur @ Vakeelini**.....Petitioner****Versus****State of Punjab****..... Respondent****CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

Present: Mr. Narender Singh Kamboj, Advocate
for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 21(b) of Narcotic Drugs & Psychotropic Substances Act, 1985, the FIR No.113 dated 17.05.2025, has been lodged in Police Station City Kotkapura, District Faridkot. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, she has filed the present petition for the benefit of bail under Section 483 of BNSS. This is first petition for grant of bail.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of 'Sub Inspector Charanjit Singh', who stated that on 17.05.2025 when he was heading a police party deputed for usual law and order duty, at about 10.00 A.M. he spotted a lady, accompanied with a male, carrying one black colour polythene bag in her hand. According to above named Police Officer when the abovesaid lady noticed that the



presence of the police party, she got nervous and tried to sneak away by using side road towards canal. It was further reported that on the basis of suspicion when the above said lady was apprehended, on inquiry, she disclosed her name as 'Baljinder Kaur' and the person accompanied her identified himself as 'Mani Kumar'. It was also reported that when search of the above named two persons was carried out, as per laid down procedure and rules, it was found that 'Mani Kumar' was carrying a transparent polythene bag in the pocket of his trouser, and the above said bag was containing 20 grams of Heroin. According to above named officer when lady constable searched the person of 'Baljinder Kaur' she was found in possession of Rs.9,970/-. It is the case of the prosecution that above mentioned money was procured by the lady by sale of drugs. It is the case of the prosecution that pursuant to above mentioned recovery requisite formalities with regard to seizure and sealing of contraband, lodging of FIR and arrest of accused were performed and further investigation taken up.

3. Notice of motion.

4. Since advance notice has already been served, Mr. Rohit Bansal, Sr. DAG Punjab, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

6. Heard. The record has been perused carefully.

7. A perusal of the record shows that following are the relevant factors which are required to be taken into consideration for the purpose of decision of present petition:-

i) that the petitioner is already in custody for a period of more



than 6 months;

- ii) that she is a lady and needs special consideration;
- iii) that the recovered contraband comes within the ambit of intermediate quantity;
- iv) that nothing is left to be recovered from the possession of the petitioner;
- v) that trial of the case is not likely to be concluded in near future;
- vi) that detention of the petitioner in judicial lock-up is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses;
- viii) that there is nothing on record to show that if petitioner is released on bail, she will not participate/co-operate in the trial.

8. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R. (Criminal) 131***, are relevant, wherein it has been observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person*



in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

9. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice*”.

10. Recently, in the case of ‘**Tapas Kumar Palit Vs. State of Chhat-**



tisgarh', 2022 INSC 222, the Hon'ble Supreme Court of India has observed that "if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed". It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that "delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently".

11. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in "*Balwinder Singh versus State of Punjab and Another*", *SLP (Crl.) No.8523/2024*.

12. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and that the present petition deserves to be allowed.

13. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to be released on bail on her furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

i) that the petitioner shall not directly or indirectly make any



inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her from closing such facts to the Court or to any other authority;

- ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- iii) that the petitioner shall not leave India without prior permission of the trial Court.

14. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to her shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

20.11.2025
Manoj Bhutani

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