



CRM-M-43461-2025

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

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**CRM-M-43461-2025
Decided on :23.09.2025**

Sunaina Devi

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Satnam Singh Gill, Advocate for the petitioner.

Mr. P.K. Jhanda, Sr. DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.47 dated 16.01.2025, under Section 18 of NDPS Act, registered at Police Station City Karnal, District Karnal.
2. Learned counsel for the petitioner contends that, at the first instance, petitioner-Sunaina Devi, was arrested along with co-accused Dhruv Yadav from the area of Bus Stand, Karnal. However, vernacular language of the FIR does not clearly specify whether the prosecution can establish, against one or both the accused, the contraband recovered in this case i.e. 3 kg of opium from a bag; was in their knowledge to constitute it a conscious possession.



It is mentioned that during the search of the bag, in the presence of the aforementioned women and the male person, a heavy polythene bundle was recovered, wrapped in a red and black shawl. Upon opening the black polythene bag, a transparent polythene bag was found containing a black-colored substance.

Mr. Satnam Singh Gill further argues that total recovered contraband is shown to be 3 kg of opium, and petitioner, being a 52-year-old woman, has no previous record of her involvement in any other similar activity. Therefore, he urges that there is a strong possibility of her false implication or, at the very least, a doubt without any substantive basis.

Counsel also submits that two other co-accused, namely Satish Kumar and Muneshwar, who were also implicated as accused, based on the disclosure statements for committing offence under Section 29 of the NDPS Act, have been granted the concession of bail, therefore, petitioner prays for the grant of bail as well.

3. Learned State counsel opposes the grant of bail, by submitting that petitioner was found in possession of 3 kg of opium, which is commercial quantity. Moreover, bail granted to other co-accused does not set a precedent for the petitioner, whose involvement and evidence against her may differ. Therefore, prays for dismissal of present petition.

4. I have heard the learned counsel for the parties and perused the relevant material on record.



5. The legislation, namely the BNSS Act, 2023, has also reiterated its intent to provide special provisions for the release on bail of certain categories of persons, including women, children, Sikhs, and infirm persons while they are in custody. For reference, Section 480(1) of the BNSS Act reads as under:

“480. When bail may be taken in case of non-bailable offence.

(1) *When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-*

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on



bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section without giving an opportunity of hearing to the Public Prosecutor.

- (2)xxxxxxxx*
- (3) xxxxxxxx*
- (4) xxxxxxxx*
- (5) xxxxxxxx*
- (6)xxxxxxxx*
- (7)xxxxxxxx”*

6. In light of the provisions of Section 480(1) of the BNSS Act, 2023, which explicitly provides for the grant of bail to certain categories of persons, including women, and considering that petitioner is a 52-year-old woman with no previous criminal record or involvement in any other offense, she is entitled to the benefit of this special protection. Therefore, in the interest of justice and fairness, and in accordance with the legislative intent of Section 480, this Court deems it appropriate to

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allow the present petition. Accordingly, the 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

23.09.2025*Rashmi*

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