



CRM-M-45654-2025

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

CRM-M-45654-2025

Date of Decision: 26.08.2025

Gurmeet Kaur @ Meeto

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Puneet Bali, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.62 dated 05.05.2022 under Sections 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sadar Ahmedgarh, District Malerkotla.

2. Succinctly, facts of the case are that on 05.05.2022, while patrolling, the police party received a secret information to the effect that Gurmeet Kaur @ Meeto (petitioner) is involved in selling narcotics. It was informed that she would travel on foot from her village Khanpur to Sarod village to sell narcotics. In case of raid, she could be arrested alongwith the contraband. On receiving the information, the police reached the place as disclosed. A lady as disclosed in the secret information was seen coming. She was stopped. On asking, she disclosed her name as Gurmeet Kaur @ Meeto. She was carrying a polythene bag. She was suspected to be carrying some contraband. Thus, the same was searched and on conducting search, 865 loose intoxicating tablets were recovered from the bag she was holding. She failed to produce any licence regarding the possession of the same and



thus, on registration of the FIR, she was arrested on the spot. Samples taken were sent to the FSL. On receipt of the FSL report, the contraband recovered was found to be weighing 53.55 grams of Diphenoxylte Hydrochloride. Challan was presented and on framing of charges, trial commenced. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 02.07.2022. Aggrieved by the same, the petitioner earlier approached this Court four times. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present fifth petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the FIR in the present case was registered on the basis of secret information, however, there is a violation of Section 42 of the NDPS Act. He submits that *de hors* the allegations made in the FIR, the petitioner has suffered incarceration of more than three years, but till date the prosecution has not been able to complete the trial and thus, fundamental right of the petitioner has been miserably defeated. He submits that though the petitioner is involved in other cases, however, she is on bail in those cases. He, thus, submits that in the facts and circumstances of the present case, the petitioners deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that the recovery effected from the petitioner falls under the commercial quantity and thus,



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provisions of Section 37 of the NDPS Act are attracted. On instructions, he has submitted that out of 15 prosecution witnesses, 09 witnesses have been examined and 06 witnesses have been given up. He has placed on record the custody certificate of the petitioner.

5. However, learned counsel for the petitioner has opposed the same and has submitted that extension of time to conclude the trial has been granted by this Court twice.

6. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 05.05.2022. As submitted before this Court, 09 witnesses have been examined and 06 witnesses have been given up, out of 15 prosecution witnesses. The custody certificate would show that the petitioner has suffered incarceration of 03 years, 03 months & 18 days as on 25.08.2025. It further shows that though the petitioner is involved in three other cases, however, in two cases, she is on bail and in one case, she has completed the sentence awarded to her.

7. As held by the Hon'ble Supreme Court in ***Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260***, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under



Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.’

8. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon’ble Supreme Court in **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695** has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not



be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

9. The Hon’ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India. Though the petitioner is involved in 2-3 other cases, however, the same cannot be a ground for non-consideration of bail to her.

10. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The petitioner already suffered incarceration of more than three years. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

11. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

12. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

26.08.2025

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Whether Speaking/Reasoned :
Whether Reportable :

Yes/No
Yes/No