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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.47650 of 2025

Sukhpreet Kaur @ Sukhi

..... Petitioner

versus

State of Punjab

..... Respondent

CRM-M No.60084 of 2025

Jaswinder Kaur @ Jassi

.....Petitioner

versus

State of Punjab

..... Respondent

Date of decision: 11.12.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Zorawar S. Chauhan, Advocate and
Ms. Shreya Bublan, Advocate
for the petitioner in CRM-M-47650-2025.

Mr. L. S. Mann, Advocate
for the petitioner in CRM-M-60084-2025.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.338, dated 15.12.2024, under Sections 22 & 29 of NDPS Act, registered at Police Station Phillaur, District Jalandhar. Further prayer has been made that the petitioner may kindly be released on interim bail during the pendency of



the present petition.

3. Succinctly the facts of the case are that the police party was on patrolling on 15.12.2024. When they were going towards the village Ganna Pind, they saw 02 women coming on foot. Upon seeing the police vehicle, they got perplexed and tried to escape. They threw the heavy polythene bags being held by both of them on the grass at the edge of the road. On suspicion, both of them were stopped. On asking, they disclosed her name to be Sukhpreet Kaur @ Sukhi (petitioner in CRM-M-47650-2025) and Jaswinder Kaur @ Jassi (petitioner in CRM-M-60084-2025). They were suspected to be carrying some contraband in the polythene bags having been thrown by them and thus, search of both the polythene bags was conducted. On conducting the search of the bag being thrown by Sukhpreet Kaur @ Sukhi (petitioner in CRM-M-47650-2025), 30 tablets mark Etizolam and some loose intoxicating tablets of red colour, i.e. total 55 tablets were recovered, whereas from the search of the bag being thrown by Jaswinder Kaur @ Jassi (petitioner in CRM-M-60084-2025), 30 tablets mark Etizolam were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of FSL, the challan was presented and on framing of charges, the trial commenced. Both the petitioners approached the Court of learned Judge, Special Court-IV, Jalandhar praying for the grant of bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court-IV, Jalandhar declined the bail applications filed by



both the petitioners vide separate orders dated 05.02.2025. Being aggrieved, the petitioner, namely, Jaswinder Kaur @ Jassi (in CRM-M-60084-2025) earlier approached this Court by way of filing CRM-M-18365-2025 praying for the grant of bail, however the same was dismissed as withdrawn vide order dated 09.04.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present case. They have submitted that the alleged recovery from both the petitioners was effected from the public place, however no independent witness has been joined. They have further submitted that there is a violation of mandatory provisions of Section 50 of NDPS Act as well in conducting the search. They have submitted that the petitioners have no criminal antecedents, even otherwise the alleged recovery made from them weighed 3.21 grams and 3.18 grams of Etizolam, which was marginally above the commercial quantity, which is 2.5 grams of Etizolam. They have submitted that the petitioners are behind bars from last about 01 year, however till date, there is no material progress in the trial. They have submitted that in the facts and circumstances, the petitioners deserve to be granted bail.

5. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by learned counsels for the petitioners. She has submitted that the recovery in the present case was effected on due compliance of provisions of NDPS Act. She She has



submitted that the recovery effected from both the petitioners, i.e. from Sukhpreet Kaur (in CRM-M-47650-2025) weighs 3.21 grams of Etizolam whereas from Jaswinder Kaur @ Jassi (in CRM-M-60084-2025) weighs 3.18 grams of Etizolam, which is commercial in nature and thus, provisions of section 37 of NDPS Act are attracted. She, on instructions, has submitted that out of total 14 prosecution witnesses, no witness has been examined so far. She has produced custody certificates of both the petitioners today in the Court, which are taken on record.

6. The Court has heard learned counsel for the parties and perused the record with their able assistance.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that recovery in the present case has been effected from the public place. It has been contended before this Court that no independent witness has been joined. The petitioners are behind bars since 15.12.2024. Contraband recovered in the present case, i.e. from Sukhpreet Kaur (in CRM-M-47650-2025) weighs 3.21 grams of Etizolam whereas from Jaswinder Kaur @ Jassi (in CRM-M-60084-2025) weighs 3.18 grams of Etizolam, falls under the category of commercial quantity. Custody certificates produced would show that both the petitioners have suffered an incarceration of 11 months and 22 days as on 10.12.2025. It further reflects that both the petitioners are not involved in any other case. No witness has been examined till date, out of total 14 prosecution witnesses. Needless to say that every accused has the fundamental right of speedy trial.



8. 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.

20. xxxxx

21.it 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.

22. xxxxx

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.”

9. 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.
10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioners succeed in making out a case for the grant of bail.
11. Accordingly, both the petitions are allowed and the petitioners, namely, Sukhpreet Kaur @ Sukhi and Jaswinder Kaur @ Jassi are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

11.12.2025

rittu	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No