

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-48681-2025
Decided on : 05.09.2025

KULWINDER KAURPETITIONER

Versus

STATE OF PUNJABRESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhaysher Singh, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Kulwinder Kaur, aged 36 years	19	01.03.2025	22/29 of NDPS Act, 1985	Ladhuwal	Ludhiana

2. Learned counsel for the petitioner contends that infact from the possession of two main accused namely Kuldeep Singh @ Keepa and Balvir Singh @ Beera, total 90 intoxicant tablets weighing 7.2 grams containing salt of Etizolam was recovered. It is subsequent to the arrest of both the main accused and only on the basis of their disclosure statement that other accused persons namely (i) Amarjit Kaur @ Jeeta, (ii) Paramjit Kaur, (iii) Kulwinder Kaur (petitioner herein), and (iv)Manjit Singh @ Rodu, were



involved as accused in the present case, as supplier of intoxicant tablets.

Thus submits that apart the disclosure statement, no other connecting evidence is there with the prosecution agency and therefore it would be heavily on the prosecution to prove the guilt of the petitioner or her involvement in any manner. Learned counsel submits that by noticing that first proviso of Section 480 (1)(ii) of BNSS, 2023, some lenient view is to be taken, as incarceration period of 06 months has already been suffered by her.

3. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner is involved in serious offence and can be alleged to be one active member spoiling social atmosphere in the State of Punjab. Thus, prays for dismissal of bail.

However, he points out that after investigation in the case challan was been presented on 06.05.2025 and charges were framed on 04.7.2025. However process of recording of statement of 14 prosecution witnesses is yet to start.

4. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner. Subsequent provision has been incorporated in the legislation for not keeping in custody for a longer period to the person, who is a child or a woman or sick or infirm for reference in this regard Section 480(1), which 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:

- (2) xxxxxxxxx
- (3) xxxxxxxxx
- (4) xxxxxxxxx
- (5) xxxxxxxxx
- (6) xxxxxxxxx
- (7) xxxxxxxxx

5. On examining of the record, Court finds that petitioner has not been named in the FIR and it is only subsequent thereto, in the disclosure statement of co-accused name of 4 more accused surfaced, including the petitioner.

Undoubtedly, it is yet to be established by the prosecution by producing some other substantive evidence to confirm or corroborate the contents of the disclosure statement and in the absence of same, it will be heavily upon the prosecution to prove the allegations. Moreover, Court has already noticed the special provision for bail incorporated in the legislation and case of the petitioner falls in that category.

6. Therefore, I deem it appropriate not to curtail personal liberty of petitioner, who is a woman, for any longer because, period of about 06



months has already been undergone by her inside jail and process of trial is yet to start.

Consequently, prayer made in the present petition is **allowed**.
Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

8. Any of the discussion done and recorded here above, 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.

9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

05.09.2025

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Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**