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

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CRM-M-52131-2024 (O&M)
Date of decision:14.05.2025

Paramjeet Kaur @ Veena

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Puneet Kumar Bansal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 30 dated 19.02.2024, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Special Taks Force, Phase 4, District Mohali.
2. Brief facts of the case relevant for the disposal of the present petition are that on 19.02.2024, co-accused Jasbir Singh was apprehended by the police and recovery of 255 grams of heroin was effected from him. During the course of investigation, on 21.02.2024, he disclosed that the present petitioner used to take heroin from him and he also had brought heroin from her. On the basis of the same, the petitioner was nominated in this case as an accused. A raid was conducted at her house on the same day and recovery of 300 grams of heroin along with a small electronic weighing machine was effected from her. She was formally arrested at the spot. After completion of necessary

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investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence. She had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order 17.07.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The alleged recovery of the contraband was effected from the petitioner without following the provisions of Section 100 of Cr.P.C. Even mandatory provisions the NDPS Act were not complied with. In fact the recovery shown to have been effected from the petitioner was planted upon her. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and *challan* has been presented. The petitioner is not involved in any other case. The trial is likely to take time to conclude. The petitioner is in custody since 21.02.2024. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as apart from recovery effected from co-accused Jasbir Singh, another recovery of 300 grams of heroin was effected from the present petitioner. Both the aforesaid quantities of the recovered contraband individually fall under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. During the course of recovery and further investigation, proper

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procedure as prescribed under the law was followed. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, she may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Jasbir Singh, who was arrested on 19.02.2024 and from whom, recovery of 255 grams of heroin was effected. When the raid was conducted at the house of the petitioner, another recovery of 300 grams of heroin was effected from her. The quantity of the said contraband falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that if released on bail, the petitioner may abscond or indulge in similar offences can also not be stated to be unfounded, at this stage. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the law during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS as the same is to be assessed by the learned trial Court after appreciating the entire evidence produced before it. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and

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circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

14.05.2025
Wasim Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No