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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-52967-2024
Date of decision:-25.04.2025

BABLI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Tanvir Singh Grewal, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed status report by way of affidavit dated 21.04.2025 of Deputy Superintendent of Police Sub Division Barnala, District Barnala alongwith custody certificate dated 24.04.2025, the same is taken on record, copies thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita,2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
491	21.10.2023	21 and 29 of NDPS Act(29 of NDPS Act added lateron)	City Barnala, District Barnala

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner a lady aged about 38 years, is innocent and has been



falsely implicated in this case. He contends that even otherwise the alleged recovery effected from the petitioner is marginally higher than the non commercial quantity with which the petitioner has no concern and the petitioner was arrested on 21.10.2023 in this case and since then she is in custody. He contends that after completion of investigation challan has already been presented in Court, wherein prosecution has cited 15 witnesses and till date 7 witnesses have given up and six have been examined and 2 witnesses are yet to be examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that petitioner and co-accused Jaswinder Singh @ Jassi were apprehended and from the polythene thrown by them 260 grams of heroin was recovered, which falls within the purview of commercial quantity, as such, petitioner does not deserve the concession of bail. However, he has not denied the fact that after completion of investigation challan has been presented and trial is going on.

6. After considering the rival contentions and perusing the record, it transpires that during patrolling, on 21.10.2023 police party apprehended the petitioner and co-accused Jaswinder Singh alias Jassi were apprehended and 260 grams of heroin was recovered from the polythene bag thrown by them. Consequently, the petitioner was arrested and after completion of investigation, challan was presented in Court, wherein prosecution has cited 15 witnesses and till date 7 witnesses have given up and six had been



examined and 2 witnesses are yet to be examined. Admittedly, the recovery effected from the petitioner is 260 grams of heroin which is marginally higher than the non commercial quantity. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time, as such, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after her release on bail, it will be open for the prosecution to move an application for cancellation of her bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

25.04.2025

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No