

2025:PHHC:043216



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

225

CRM-M-53904-2024 (O&M)
Date of decision : 01.04.2025

Punam Kaur ...Petitioner

Versus
State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vikas Gupta, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J.

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. 163 dated 11.05.2024, registered under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Goindwal Sahib, District Tarn Taran.
2. Brief facts of the case relevant for the disposal of the present petition are that on 11.05.2024, when the police party was on patrolling duty, it noticed a motorcycle without having any number plate, which was driven by a clean shaven person having a woman as pillion rider. On seeing the police party, the rider and the pillion rider got perplexed and the pillion rider threw a heavy black coloured polythene bag on the ground. They tried to run away but were apprehended by the police party. On inquiry, the rider disclosed his name as 'Sukhdev Singh @ Sukha' and the pillion rider disclosed her name as 'Punam Kaur', who is the present petitioner and wife of co-accused Sukhdev Singh @

2025:PHHC:043216



Sukha. On search of the polythene bag, which was thrown by the petitioner, recovery of 275 grams of heroin was effected. Both the accused persons were formally arrested at the spot. After completion of necessary 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 trial Court for grant of regular bail but the same had been dismissed, vide order dated 05.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Mandatory provisions of Section 50 of the NDPS Act were not complied with properly. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take time. The petitioner is in custody since 11.05.2024. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed. It is also argued that since the FSL report has not been received so far, the petitioner may be granted interim bail in alternative.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as she was apprehended at the spot along with above named co-accused and recovery of 275 grams of heroin, which falls under the commercial quantity, was recovered from them. The petitioner is wife of co-accused Sukhdev Singh @ Sukha and was actively involved in the subject crime. FSL report has been received and the representative sample has been found to be containing heroin. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed.

2025:PHHC:043216



It is submitted that since a commercial quantity of the contraband has been recovered from the petitioner and co-accused, the rigors of Section 37 of the NDPS Act would be attracted in this case. 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 was apprehended by the police party 11.05.2024 along with co-accused Sukhdev Singh @ Sukha, who is her husband, and recovery of 275 grams of heroin was effected from them. FSL report has been received, as per which, the representative sample was found to be containing heroin. The quantity of the recovered contraband obviously falls within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act 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. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the aforesaid facts and circumstances, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and

2025:PHHC:043216



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.

01.04.2025
Museem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No