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

CRM-M-54338-2025

Date of decision : 09.12.2025

Vandana**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

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

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.383 dated 19.12.2023, under Sections 21/29 and 21(c) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27 of NDPS Act added lateron), registered at Police Station STF Phase-4, Mohali, District SAS Nagar, Punjab.
2. Succinctly the facts of the case are that on 19.12.2023, the police party while on patrolling, received a secret information to the effect that Asses @ Ashu, Sukhwinder Singh @ Laddi and Vandana (petitioner) were involved in smuggling of heroin. It was informed that these 03 persons would be coming in their Etios car being No.PB-65Y-0107 to supply heroin to their customers near Red Oak Banquet Hall and if the raid is conducted, they could be arrested along with the contraband. On receiving the information, the raiding party was constituted and they reached at the place as disclosed. The car, as informed was seen coming and the same was stopped. On asking, driver of the car disclosed his name



to be Sukhwinder Singh @ Laddi, the person sitting on the passenger seat disclosed his name to be Asses @ Ashu and the lady sitting on the rear seat, disclosed her name to be Vandana (petitioner) was holding a bag in her hands. On suspicion, search of the car and that of the bag having been hold by the petitioner, was conducted. On conducting the search, 1.500 kgs of heroin was recovered from the bag, she was holding. They failed to produce any licence regarding possession of the same and thus, the FIR was registered and all the 03 accused were arrested on spot. Investigation commenced. On completion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached learned Judge, Special Court, Ludhiana for grant of bail, however, after hearing both the sides, the same was declined by the trial Court, Ludhiana vide order dated 27.08.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been contended by counsel for the petitioner that the present FIR has been registered on the basis of secret information, however, there is violation of Section 42 of the NDPS Act, He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agencies. It is submitted that the petitioner is behind bars since 19.12.20203 and she has never been involved in any other case of similar nature. He, thus, in the facts and circumstances of the present case, she deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He submits that the petitioner was specifically named in the secret information. He submits that the alleged recovery effected in the present case is 1.500 kgs of heroin



which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 18 prosecution witnesses, 15 witnesses still remain to be examined. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in the present case on 19.12.2023. As per the custody certificate, petitioner has suffered an incarceration of 01 year, 11 months and 16 days as on 08.12.2025. It further reflects that the petitioner is involved in one more case i.e. under Sections 420, 376, 120-B, 306 & 506 of IPC, however, she is not involved in any other case of the similar nature. The petitioner has completed almost 02 years of sentence, however, 15 witnesses still remain to be examined.

6. 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.

7. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.*

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her



furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then her further custody period after one week will not be counted in the present case.

09.12.2025
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(RAJESH BHARDWAJ)
JUDGE

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