

2025:PHHC:046005



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

CRM-M-57231-2024 (O&M)

Reserved on : 28.03.2025

Pronounced on : 04.04.2025

Sarabjit Kaur @ Shabo

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parmod Sharma, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 411 dated 22.09.2023, 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, Tarn Taran.

2. Brief facts of the case relevant for the disposal of the present petition are that on 22.09.2023, the petitioner, while coming with co-accused Nirmal Singh @ Nimma on a motorcycle bearing registration number PB-26-G-2085, was apprehended by the police party and recovery of 265 grams of heroin was effected from them. They were formally arrested at the spot. Disclosure statement of co-accused was recorded, wherein he admitted his guilt and disclosed that the petitioner was also involved in sale/purchase of heroin. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the

2025:PHHC:046005



co-accused is facing trial for commission of aforementioned offence.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The alleged recovery was in fact effected from the co-accused. There is nothing on record to connect the petitioner with the subject crime. She is not involved in any other case. 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 22.09.2023. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner is not entitled to get benefit of bail as she along with co-accused Nirmal Singh @ Nimma was apprehended at the spot and 265 grams of heroin was recovered from them. She was actively involved with the co-accused in sale/purchase of the contraband. 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. As per the allegations, the petitioner was apprehended by the police party on 22.09.2023 along with aforesaid co-accused and recovery of 265 grams of heroin was effected from them, which falls under the commercial quantity.

2025:PHHC:046005



Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as there is nothing on record to believe that she did not commit the subject crime or would not commit similar offence in case she is released on bail. The 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 discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and 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.

04.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No