



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

237

CRM-M No.57001 of 2025

Date of decision : 19.12.2025

Date of uploading : 19.12.2025

Saniya

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Yashpal Thakur, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.190 dated 6.8.2025 under Sections 21, 22, 29/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Mandi Gobindgarh, District Fatehgarh Sahib.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To SHO, PS: Mandi Gobindgarh, Jai Hind. Today I SI including SI Mohammad Sadiq No. 3522/PBI, ASI Karamjit Singh No. 175/Fgs, ASI Tilak Raj No. 261/Fgs. ASI Baljinder Singh No. 496/Fgs, SI Harmanjeet Singh No. 78/RRT, SI Loveleen Kaur No. 77/RRT along with ASI Kawanaljeet Singh, HC Mantu Singh 579/PBI, S/CT Satnam Singh No. 697/Fgs. PHG Gurmukh Singh No. 215, PHG Lakhvir Singh No. 151, with



laptop and printer in official vehicle Bolero No. PB-23-T-3154 driven by PHG Karnail Singh No. 273, was present at Gugga Mardi Deha Colony, Nasrali in connection with the CASO search operation duty on the instructions of senior officers, and checking was being done under the CASO search operation of Deha Colony, Nasrall. During the checking search, it would be around 6:50 PM. A man was walking on foot in the street of the Veterinary Hospital at Nasrall, but on seeing the police party checking from ahead, he got scared and took out a polythene envelope from the left pocket of his shirt and threw it outside near the wall of the Veterinary Hospital, Nasrall to the right and started running back. Then I SI. with the help of co-police officials, caught him and asked for his name and address On being asked, he revealed his name as Harish Kumar, son of Buta Ram, resident of house number 347, street number 10, Mata Rani Mohalla, Nasrall, Police Station Gobindgarh. District Fatehgarh Sahib. Then the St picked up the transparent polybag envelope that fell down and checked it, in which white-colored narcotic substance and 03 currency notes of 500×500 and 03 currency notes of 100×100 (total Rs. 1800) were recovered. That on asking, above-mentioned Harish Kumar disclosed that I have earned this money by selling heroin. That after smell, feel, and checking with the testing kit, the same is found as heroin. Then the same was weighed with a computer scale and weight comes to 80 grams of heroin. That on the spot an attempt was made to involve a private person in investigation but no one was ready, they kept avoiding on explaining one and another compulsion. Then I SI, put the recovered 80 grams of heroin in the same transparent wax envelope and then put it in a cloth bag and prepared a bulk parcel, and the same bulk parcel was sealed by the SI with his seal letter DP, and the bulk parcel of drug money was prepared by putting currency notes of total Rs. 1800 in a white envelope, and the bulk parcel of drug money was sealed by | SI. with my seal DP. The sample of the seal was prepared. After the use of the seal, the same was handed over to ASI Karamjit Singh No. 175/Fgs. Videography was done on the spot through the E-Sakshya app The seized heroin was 80 grams with the seal letter DP along with the sample seal, and the seized drug money was seized by the police through al separate seizure memo, the same as signed by ASI Karamjit Singh No. 175/Fgs and ASI Baljinder Singh No. 496/Fgs as witnesses. That Harish Kumar, by keeping 80 grams in his possession, heroin, was found to have committed the crime under



21/61/85 NDPS Act. Then I SI, prepared and sent ruqa through S/CT Satnam Singh No. 697/Fgs to the police station to register FIR against the said crime against the accused Harish Kumar. That after registration of FIR, number of same be informed. That being chance recovery, compliance of Section 42 NDPS Act is not possible. Then separate report of Section 57 NDPS Act is prepared and sent to senior police officials. That at present, I am busy investigating with my fellow officials. Sd.- Dharampal, SI, Police Station Gobindgarh. Date: 06.08.2025, Area: Gugga Mardi Deha Colony, Nasrali, Police Station Gobindgarh. Time: 08:30 PM.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 30.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that mandatory provisions of NDPS Act have not been scrupulously complied with, thus, prosecution case suffers from inherent defects. Learned counsel has further submitted that, in any case, the total contraband recovered *qua* the FIR in question is 95 grams of heroin, which is non-commercial in nature. Learned counsel has further submitted that the police has sought to invoke the Section 37 of NDPS Act by alleging that there is recovery of ₹1500/- as drug money but sole basis thereof is the confessional statement of the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail



petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 17.12.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 30.8.2025 wherein after investigation was carried out and challan stands presented on 29.10.2025. Total 11 prosecution witnesses have been cited, but none has been examined till date. The contraband recovered *qua* the FIR in question is totaling to 95 grams of heroin, which is non-commercial in nature. The rigors of Section 37 of the NDPS Act sought to be invoked on the ground that ₹1500/- drug money was recovered from the petitioner but the sole basis thereof is the confessional statement of the petitioner herself. The rival contention raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 17.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 16 days. As per the said custody certificate, the petitioner is stated to be involved in 3 more cases/FIRs under the NDPS Act.

Indubitably, the antecedents of a person are required to be accounted for



while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586***; a Division Bench judgment of the Hon'ble Calcutta High Court in case of ***Sridhar Das v. State, 1998 (2) RCR (Criminal) 477*** & judgments of this Court in ***CRM-M No.38822-2022*** titled as ***Akhilesh Singh v. State of Haryana***, decided on 29.11.2021, and ***Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191***.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on her furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent herself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit her passport, if any, with



- the trial Court.
- (vi) The petitioner shall give her cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change her cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
 - (vii) The petitioner shall not in any manner try to delay the trial.
 - (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that she has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of her bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

19.12.2025
Ashwanii

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