



CRM-M-57625-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-57625-2025 (O&M)****Reserved on : 17.10.2025****Pronounced on : 30.10.2025**

Sukhwinder Kaur

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, the FIR No.130 dated 18.06.2025 has been lodged in Police Station Jandiala Guru, District Amritsar. The petitioner is being prosecuted for the commission of abovementioned offence and she has been arrested. The petitioner is in custody and, therefore, craving for bail. This is first petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being when chance recovery of contraband had taken



place on 18.06.2025. According to prosecution, when a police party headed by SI Naresh Kumar was performing its patrolling duty, on the basis of suspicious movement it intercepted a person, namely Balwinder Singh @Sonu, and on search of his person, recovered 20 gms of heroin. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to search, seizure, registration of FIR, and arrest were undertaken and the investigation initiated.

3. According to prosecution, during the course of investigation when the above-named Balwinder Singh @Sonu was interrogated, he suffered a disclosure statement, wherein he nominated the petitioner.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that she has been roped-in, in the present case, merely, on the basis of disclosure statement of main accused, namely Balwinder Singh, who was allegedly found in the possession of contraband. According to learned counsel for the petitioner, except the disclosure statement of co-accused, which was recorded when the maker of that was in police custody, there is no evidence against the petitioner, and that the abovementioned disclosure statement is inadmissible evidence.

6. In addition to above, the learned counsel for the petitioner has also argued that the petitioner being a lady needs a considerate view, and that, she has already served a sentence of almost 04 months. The learned



counsel for the petitioner has further contended that the quantity of recovered contraband, from the co-accused, comes within the ambit of intermediate quantity.

7. *Per contra*, the learned State Counsel has argued that there is direct nexus between the commission of offence and the petitioner as she has been nominated by the co-accused, who was found in possession of contraband. According to learned State Counsel, the quantity of contraband recovered from the possession of co-accused is much above the small quantity. As per learned State Counsel, in the given fact situation, the petitioner is not entitled for the benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail: -

- i) that the petitioner has no criminal antecedents;
- ii) that the petitioner is already in custody for a period of almost 04 months;
- iii) that nothing is left to be recovered from the possession of petitioner;
- iv) that the quantity of contraband recovered from the possession of co-accused is far below the limit prescribed for commercial quantity;
- v) that the petitioner being a female deserves a considerate view;



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- vi) that the trial is not likely to be concluded in near future;
- vii) that detention of the petitioner in judicial lockup is not likely to serve any purpose; and
- viii) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention here that the Hon'ble Supreme Court in the case of ***"Dataram versus State of Uttar Pradesh and another"*, 2018(2) R.C.R. (Criminal) 131**, has observed that *"a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the*



country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of **‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’, 2022 LiveLaw (SC) 577**, are also relevant in this case. In the abovementioned case, it has been observed that *“the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.*

12. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in **“Balwinder Singh versus State of Punjab and Another”, SLP (Crl.) No.8523/2024.**



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13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing her personal bonds and surety bonds to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

15. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to her shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 30, 2025

Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No