

CRM-M-61523-2025

2025:PHHC:169137



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-61523-2025

Bakshinder Kaur

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: December 04, 2025

Date of Uploading: December 04, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Renu Arora, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J. (ORAL)

Present second 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 bearing FIR No.61 dated 18.05.2021, registered for the offences punishable under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Chabbewal, District Hoshiarpur.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving 270 grams of intoxicant substance (heroin) allegedly recovered from the petitioner, and Rs.88,000/- drug money along with computer weighing machine and small polythene envelopes allegedly recovered from co-accused of the petitioner, namely, Davinder Singh @ Gopi.

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3. Learned counsel for the petitioner has argued that, initially, the petitioner was arrested on 18.05.2021, but thereafter, the petitioner was granted concession of interim bail, vide order dated 11.06.2021 by the concerned Court, as the FSL report was awaited; thereafter, the petitioner is in custody since 23.10.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that mandatory provisions of the NDPS Act have not been scrupulously complied with and thus, the prosecution case suffers from inherent defects. Learned counsel has further reiterated that there are inconsistencies in the prosecution story which cast serious doubt, inasmuch as it is highly improbable that upon giving a torch signal, the petitioner along with the co-accused, who were in the car, would become perplexed and attempt to flee. Learned counsel has urged that co-accused of the petitioner, namely, Davinder Singh @ Gopi has already been extended the concession of regular bail, vide order dated 30.07.2025, passed in **CRM-M-9465-2025**. Learned counsel has also urged that the petitioner has suffered incarceration for more than 01 year; nothing is to be recovered from her and no useful purpose would be served by keeping her behind bars further. Thus, regular bail is prayed for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of regular bail to the petitioner by arguing that there are direct/ serious allegations against the petitioner. Learned State counsel has submitted that, though, the petitioner was earlier granted concession of interim bail as the FSL report was not received, but she did not surrender back on time despite receipt of FSL report on 09.07.2021, and was re-arrested on 23.10.2024. Learned State counsel has further argued that the petitioner is a habitual offender as the

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petitioner has committed one more similar offence under the NDPS Act. Learned State counsel has also argued that out of total 11 prosecution witnesses, 09 have been examined and 02 have been given up and now the trial is fixed for recording of statement, of the petitioner, under Section 313 of the Cr. P.C. With these submissions, dismissal of the present petition is entreated for.

5. I have heard learned counsel for the rival parties and have perused the paper-book.

6. Concededly, the petitioner was, initially, arrested on 18.05.2021, but owing to non-receipt of FSL report, she was granted the concession of interim bail by the concerned Court on 11.06.2021. Thereafter, the petitioner did not surrender back despite receipt of FSL report on 09.07.2021, but committed another offence of similar nature, and was re-arrested on 23.10.2024. Investigation was carried out and challan has been presented on 20.09.2021. Out of total 11 cited prosecution witnesses, 09 have been examined and 02 have been given up. The prosecution evidence is, thus, complete and now the trial is stated to be fixed for recording of statement, under Section 313 Cr. P.C., of the petitioner. The co-accused of the petitioner, namely, Davinder Singh @ Gopi has been granted concession of regular bail, vide order dated 30.07.2025, but he cannot seek claim parity with the said co-accused as the petitioner (*herein*) mis-used the concession of interim bail extended to her and remained absconding for long.

7. Keeping in view the factual *milieu* of the case and upon perusal of the record; particularly the serious allegations against the petitioner, her conduct and antecedents, including her failure to surrender after availing the

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concession of interim bail despite receipt of the FSL report, her remaining absconding for long, and her involvement in another offence of a similar nature, coupled with the fact that out of 11 cited prosecution witnesses, 09 have already been examined and 02 have been given up, and the matter is now fixed for defence evidence; this Court is not inclined to extend the concession of regular bail to the petitioner.

7.1. Additionally, the present petition is the second attempt by the petitioner to secure regular bail. The last plea of the petitioner has been rejected, recently, on 30.07.2025 reserving no liberty therein to the petitioner to file afresh. Furthermore, no substantial change in circumstances, worth considering, has been shown to have arisen after withdrawal of the last bail petition. Hence, the present petition deserves to be dismissed on this score as well.

8. Petition stands dismissed, accordingly.

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

10. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

December 04, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No