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

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CRM-M-65334-2024 (O&M)
Date of decision : 08.04.2025

Rajwinder Kaur**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case arising out of FIR No. 28 dated 01.09.2023, registered under Sections 21, 25, 27-A, 29 of the NDPS Act, 1985 and Section 201 of IPC at Police Station State Special Operation Cell, Police District Intelligence Wing (CID), District Amritsar. The first petition, bearing CRM-M-20310-2024, was dismissed by this Court on 03.09.2024.

2. Brief facts of the case relevant for the disposal of the present petitions are that the petitioner has been booked in this case and is facing trial therein on the allegations that she along with co-accused Ram Singh, Rajdeep Singh and Jaspal Singh, was involved in the subject crime and on 02.09.2023, they were to receive a consignment of heroin from co-accused Gurbinder Singh. The petitioner along with co-accused was apprehended by the police party. Their personal search as well as the search of the car, in

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which the petitioner along with co-accused was sitting, was conducted and an amount of Rs. 7 Lakhs along with some mobile phones was recovered from the said car.

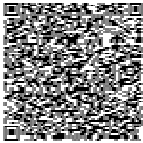
3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The allegations against her are that she along with co-accused Ram Singh, Jaspal Singh and one Rajdeep Singh was sitting in a car and was to receive some consignment of heroin. However, no contraband has been recovered either from her or any other persons, who alleged to be present with her in the said car. Rajdeep Singh, who was similarly situated with the petitioner, had been declared innocent during investigation. Even otherwise, *challan* has been filed. The trial is substantially delayed as no prosecution witness has been examined so far. The petitioner is not involved in any other such or similar case. She is in extended period of incarceration. These facts amount to substantial change in circumstances entitling the petitioner to file a second bail petition seeking grant of bail. Hence, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab, while reiterating the arguments as advance in the first petition, has opposed the prayer of the petitioner on the ground that there are serious allegations against the petitioner.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have been apprehended on 02.09.2023 along with three other persons, out of whom, one person namely Rajdeep Singh had been declared innocent during investigation. The

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allegations against the petitioner are that the co-accused and herself were to receive a consignment of heroin from co-accused Gurpinder Singh. However, no recovery of any contraband was effected either from the petitioner or from the co-accused. The petitioner is not shown to be involved in any other criminal case. She has clean criminal antecedents. The trial is substantially delayed as no prosecution witness has been examined so far. The petitioner is in custody since long. Trial would definitely take long time to conclude. Keeping in view the aforesaid facts, which amount to substantial change in circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.04.2025

Waseem Fiaz

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No