



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

CRM-M-3590-2026

Date of decision : 11.05.2026

Mehak Rai

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rahul Bhargava, Advocate and
Mr. Kartik Kaushal, Advocate
for the petitioner.

Mr. Raj Karan Singh, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.15 dated 27.04.2022, under Sections 21, 25, 29 of the NDPS Act, 1985 (later on Sections 411, 414, 468, 471 of IPC were added vide DDR No.14 dated 16.10.2022 and Section 473 of IPC was added vide DDR No.25 dated 18.10.2022), registered at Police Station State Special Operation Cell, District (Intelligence Wing-CID), Amritsar.

2. Succinctly, facts of the case are that on 27.04.2022, the police party while on patrolling received a secret information to the effect that Deepak alongwith Mehak Rai (petitioner) and Lovepreet Kaur formed a gang for smuggling of heroin and today also, they would supply heroin to some party, which they have kept in a flat and would go to supply the same in a car. It was informed that in case of raid, they could be arrested alongwith the contraband. On receiving the information, a raiding team was constituted and raid was conducted at the place disclosed. All the accused persons were found sitting in vehicle No.PB-10-FE-0083 and on



checking the said vehicle, a kit bag was recovered and on checking the same, 6 kgs of heroin was recovered. They failed to produced any licence regarding the possession of the same, and thus, on registration of the FIR, they were arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 25.07.2022. Earlier the petitioner approached this Court by way of filing CRM-M-42762-2022, however, the same was dismissed as withdrawn by this Court vide order dated 13.11.2024. Hence, the petitioner has approached this Court again praying for grant of regular bail by way of filing the present second petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of co-accused, namely, Deepak. He has drawn the attention of this Court to the order dated 30.03.2026 passed by this Court in CRM-M-29690-2025 whereby co-accused of the petitioner, namely, Deepak has been granted the concession of regular bail. He has submitted that case of the petitioner is at par with the co-accused, who has been granted bail by this Court. He has further submitted that on the basis of the parity, the petitioner deserves to be granted bail. He has also submitted that the petitioner is behind the bars from last more than 3½ years hence, right of speedy trial is miserably defeated in the present case.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. However, he has endorsed



the fact that case of the petitioner is at par with co-accused, namely, Deepak, who has already been granted bail by this Court. He has submitted that recovery of 6 kgs of heroin was effected from co-accused, namely, Deepak, which falls under the category of commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in the present case. On instructions, he has submitted that challan has been presented and charges have been framed. He has produced custody certificate of petitioner, today in the Court, which is taken on record.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of her arrest. The custody certificate produced would show that petitioner has suffered incarceration of 04 years and 03 days as on 08.05.2026. It further reflects that the petitioner is not involved in any other. Admittedly, co-accused of the petitioner, namely, Deepak, has already been granted bail by this Court vide order dated 30.03.2026. Needless to say that every accused has the fundamental right of speedy trial.

6. The Hon'ble Supreme Court in *Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695* has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”



7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in **Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024**, has held that howsoever serious a crime may be, an accused has the right to speedy trial under the Constitution of India.

8. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

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21it would be important to reflect that laws which impose stringent conditions for grant of bail, may be necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

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23. There is a further danger of the prisoner turning to crime, "as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal"²² (also see

Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.'

9. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail on the basis of parity with co-accused, Deepak who has already been granted regular bail by this Court vide order dated 30.03.2026 passed in CRM-M-29690-2025. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.05.2026
m.sharma

(RAJESH BHARDWAJ)
JUDGE

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