

2026:PHHC:074841



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.4785 of 2026

Divya

... Petitioner

Versus

State of Haryana

... Respondent

1.	The date when the judgment is reserved	11.05.2026
2.	The date when the judgment is pronounced	13.05.2026
3.	The date when the judgment is uploaded on the website	13.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:Mr. Brijesh Singh Ladwal, Advocate and
Mr. Gaurav G.S. Chauhan, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under

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Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0181	13.12.2025	Sector-9, Ambala City, District Ambala	20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) (29 of NDPS Act added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 13.12.2025, a secret information was received to the effect that the present petitioner Divya who originally hailed from Himachal Pradesh and then residing in Ambala City, was engaged in the business of sale of narcotic substance from home and at that time also, she was having huge quantity of narcotic substance. Believing the secret information to be true, a raiding party was immediately formed which conducted raid at the house of the petitioner and recovered 01 Kg and 635 grams of charas found stored in a wooden almirah. The recovered contraband was taken into possession. The petitioner was formally arrested. An amount of Rs.11,500/- was also recovered from her. On interrogation, she suffered disclosure statement to the effect that she along with her live-in-partner Kuldeep Kumar @ Goldy was engaged in the business of procuring charas from accused Balbir Singh @ Ballu and selling the same to drug addicts in Ambala at higher rates. Accused Balbir Singh was arrested on 15.12.2025 whereas the accused Kuldeep Kumar was arrested on 11.03.2026. Investigation now stands

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concluded.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. A false recovery has been planted upon her. She had been residing in live-in-relationship with the co-accused Kuldeep Kumar. The wooden almirah from which the recovery had been effected, was not in her exclusive possession or control nor the same was locked by the petitioner. None of her personal belongings were found kept in the same and, therefore, recovery cannot be stated to be from her conscious possession. The family members of accused Kuldeep Kumar were residing on the ground floor of the same building and since they were having serious objections as to the relationship of the petitioner with the co-accused Kuldeep Kumar, therefore, the possibility of their getting her falsely implicated cannot be ruled out. She has been made a scapegoat due to domestic hostility and social opposition towards live-in-relationship. Her antecedents are clean. No useful purpose would be served by detaining her in custody any more. She is also HIV positive person. It is, thus argued that she deserves to be released on bail.

4. Per contra, learned Assistant Advocate General, Haryana has argued that the allegations against the petitioner are serious in nature. The rigors of Section 37 of NDPS Act are attracted in this case. The petitioner is an active participant in illegal trafficking of narcotic substance and is part of a well organized supply chain. There are chances of her absconding or committing similar offences, if extended benefit of bail. It is, therefore,

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argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have been found in commercial quantity of charas. She was arrested from the spot from where the recovery was effected. The allegations against her are serious in nature. Her complicity in the commission of subject offences stand prima facie established and obviously the rigors of Section 37 of NDPS Act are attracted in this case which is at its nascent stage. The petitioner has placed on record a copy of order dated 18.02.2026 passed by the trial Court showing her application for grant of interim bail was dismissed while observing that she was diagnosed with HIV but her medical condition was taken care of by the concerned doctors. Taking into consideration the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered opinion that the petitioner does not deserve to be extended benefit of bail. Accordingly, the petition is dismissed.

7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13.05.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No