



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-12172-2026

Date of decision: 05.05.2026

JASPREET KAUR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Vishal Sharda, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.413 dated 21.11.2025 registered under Sections 15(b), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 27A of the NDPS Act added later on) at Police Station Sadar Fatehabad, District Fatehabad.

2. Brief facts of the present case, as per the prosecution, are that on 21.11.2025, police party was on patrolling duty and acting upon a secret information, apprehended the petitioner and other two co-accused persons who were found in conscious possession of 14 kgs of *Poppy Husk*. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He argued that the recovery of alleged contraband has already been effected from the

petitioner and nothing more is to be recovered from her. The petitioner is in



custody since 21.11.2025. He further contends that the recovered quantity is non-commercial in nature. The investigation in the case is complete, challan stands presented, charges have also been framed and out of 16 prosecution witnesses none has been examined. He further submits that the trial will take a long time to conclude and no useful purpose would be served by keeping her behind the bars. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate which is taken on record. Status report has already been filed and he relying upon the same, has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature and that she was apprehended at the spot with the alleged contraband. He has further submitted that the petitioner is involved in multiple other cases, meaning thereby she is a habitual offender.

5. Having heard learned counsel for the parties at length and after perusing the record of the case, it is evident that the petitioner is in custody for the last more than 05 months, investigation is complete; challan stands presented; charges have also been framed; out of 16 prosecution witnesses none has been examined and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining her in further custody. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future would be violative of her rights under Article 21 of the Constitution of India.

6. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131,***



bars, till her guilt is proved, for an indefinite period amounts to infringement of her right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

7. As regards the submission of learned State counsel that petitioner is involved in other criminal case(s), reference is placed upon the judgment of the Hon'ble Supreme Court in ***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another case(s).

The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

8. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

05.05.2026

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No