



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-14898-2026

Date of decision: 23.03.2026

BALVIR KAUR @ BIRO

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J.

1. This petition for bail is the first petition filed by the petitioner under Section 483 of 'the Bharatiya Nagarik Suraksha Sanhita, 2023'. This petition has been filed with regard to a case arising out of FIR No.208 dated 22.08.2022, for the commission of offence punishable under Sections 21(c), 29, 31 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 181 of Motor Vehicle Act, Police Station Sultanpur Lodhi, District Kapurthala.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being at the instance of ASI 'Balwinder Singh', who had reported that on 22.08.2022, when he was leading a team of police officials,



deputed for patrolling duty, a lady riding a scooter, bearing registration No. PB-41-D-7108, was spotted. The above-mentioned lady when noticed the presence of police party got nervous and tried to take a turn. It is the case of the prosecution that in view of above-mentioned suspicious conduct, when the above-named lady was apprehended, on enquiry she disclosed her name as Amarjit Kaur. As per prosecution and during search of the body of above-named lady, she was found in possession of 270 grams of Heroin and Rs.2,50,000/- of currency notes.

3. It is the case of the prosecution that pursuant to above-mentioned recovery, the requisite formalities with regard to seizure and sealing of contraband, registration of FIR and formal arrest of the accused were performed and further investigation taken up. According to prosecution during the course of investigation when the above-named accused Amarjit Kaur was interrogated, she suffered a disclosure statement, wherein she disclosed that the petitioner was the supplier of contraband, found in her possession.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Mr. Mr. I.P.S. Sabharwal, DAG, Punjab, accepts notice on behalf of respondent-State. Hence, the service of notice upon the State is hereby dispensed with. The learned State counsel has filed the custody certificate. The same be taken on record.

6. Heard.

7. The record has been perused carefully.

8. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a



decision: -

- i) that the petitioner is already in custody for a period of more than three years;
- ii) that she has been implicated in the present case on the basis of disclosure statement suffered by co-accused. Except the disclosure statement of co-accused, there is no evidence against the petitioner with regard to her involvement in the commission of crime. There is a question mark with regard to admissibility of above-mentioned disclosure statement in evidence as the same was recorded when the co-accused Amarjit Kaur was already in police custody and pursuant to above-mentioned disclosure statement nothing incriminating has been recovered.
- iii) that nothing has been left to be recovered from the possession of petitioner;
- iv) that the trial is not likely to be concluded in near future as out of forty four prosecution witnesses only one has been examined so far;
- v) that the detention of petitioner in judicial lock-up is not likely to serve any useful purpose;
- vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;
- vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial.

9. In the present case, the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Dataram versus State of Uttar Pradesh and another', (2018) 3 SCC 22, are relevant, wherein it has been observed that "a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus



has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

10. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘Satender Kumar Antil Vs. Central Bureau of Investigation and Another’ (2022) 10 SCC 51, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the



contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

11. Recently, in the case of ‘Tapas Kumar Palit Vs. State of Chhattisgarh’, 2025 SCC Online SC 322, the Hon’ble Supreme Court of India has observed that “if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed”. It has also been observed by the Hon’ble Supreme Court of India in the abovementioned case that “delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently”.

12. To elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon’ble Apex court in “Balwinder Singh versus State of Punjab and Another”, 2024 SCC Online SC 4354.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition deserves to be allowed.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby **allowed**. The petitioner is hereby ordered to



be released on bail on furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court. However the abovesaid concession shall be subject to following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade her to disclose such facts to the Court or to any other authority.
- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

23.03.2026
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No