



IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(230) CRM-M-17890-2026  
DATE OF DECISION:16.04.2026

Harpreet Kaur .....Petitioner  
  
VERSUS  
  
State of Punjab .....Respondent

CORAM HON’BLE MR. JUSTICE SUBHAS MEHLA

Present Ms. Komalpreet Kaur, Advocate, for the petitioner.  
Mr.Anup Singh, AAG, Punjab.  
\*\*\*

SUBHAS MEHLA, J (ORAL)

1. By way of the present petition, the petitioner is seeking **interim regular bail** in case bearing FIR No.148 dated 17.11.2025, under Sections 21-C/29/61/85 of NDPS Act, 1985, registered at Police Station Mohkampura, District Amritsar, Punjab, for a period of **six months**, on humanitarian and medical grounds.
2. As per the allegations, petitioner was apprehended in conscious possession of total 3 kgs 120 gms heroin (packed in six packets), which falls under commercial quantity. She was arrested on 17.11.2025 and since then she is in custody.
3. Leaned counsel for the petitioner contended that the petitioner is approximately eight months pregnant and requires immediate care for safe delivery and posnatal protection of the child.
4. Reply by way of short affidavit of Rajiv Kumar Arora, Superintendent, Central Jail, Amritsar along with medical status report has been filed on behalf of respondent-State, as per which inmate Harpreet Kaur was admitted to Central Jail on 21.11.2025 while being pregnant and



gestational age was approximately 31 weeks and 1 day with an estimated due date of 11.06.2026.

5. Heard.

6. Although petitioner is alleged to have been found in conscious possession of the contraband falling in commercial category but it is also not disputed that she is in family way and as per report, she was examined by the doctor and her expected date of delivery is 11.06.2026. Although, it is contended by the learned State counsel that the investigation is still going on and they are likely to complete the investigation within one month or by the end of May and interim relief ought not to be granted to the petitioner, nonetheless, in considered opinion of this Court, pregnancy of a woman is a special circumstance, which ought to be given precedence over the gravity of the offence for the time being. Giving birth to a child while in custody is not only traumatic to the mother but is also detrimental to the child to be born, given the likelihood of adverse impact on the psyche of the child when questioned about his birth. Moreover, right to live with dignity forms an intrinsic part of the fundamental right to life and personal liberty enshrined under Article 21 of the Constitution of India. In such cases, the court must act as *parens patriae*, and consider that it is not in the interest of the child to be exposed to the prisons, except when there are extenuating circumstances, warranting rejection of release of the inmates. No doubt that Section 37 of the NDPS Act creates fetters on grant of bail, however, fundamental right to life and personal liberty guaranteed under Article 21 of 'Constitution' supersedes the stringent provisions envisaged under Section 37 of the NDPS Act.



7. Having regard to the aforesaid facts and circumstances, and without commenting anything further on the merits of the case, given that medical care is required for delivery of the petitioner, this petition is **partly allowed**. Petitioner is directed to be granted interim bail for a period of 02 months from 15.05.2026 to 15.07.2026, on her furnishing bail bonds/surety bonds to the satisfaction of the learned Trial Court concerned, with such conditions as deem fit to secure her presence during trial, when required.

8. Petition stands **partly allowed**.

16.04.2026  
mamta

(SUBHAS MEHLA)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |