



CRM-M-29149-2026

-1-

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

CRM-M-29149-2026

Date of Decision: 26.05.2026

Kuldeep Kaur @ Deepo

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurmej Singh Bhinder, Advocate, for the petitioner.

Mr. Ekompal Sagoo, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.250 dated 25.11.2024, registered under Section 21 of the NDPS Act 1985 (Sections 18, 27-B and 29 of NDPS Act, added lateron) at Police Station City Moga, District Moga.

2. Succinctly, facts of the case are that on 25.11.2024 the police party while on patrolling received a secret information to the effect that Chamkaur Singh @ Gora @ Gurpreet Singh is doing the business of selling heroin and he is in City Moga for supplying the heroin and is present at the Glorious School Street, Gobindgarh Basti, Moga. It was informed that in case of immediate raid, he could be arrested alongwith the contraband. On finding the secret information reliable, raid was conducted at the place disclosed and one car as disclosed in the secret information was found, which was intercepted by the police party and on conducting search, 01 kg heroin was recovered from a car in which Chamkaur Singh @ Gora @ Gurpreet Singh was driving. He failed to produce any licence regarding the possession of the contraband, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples taken were sent to the FSL. During the investigation, disclosure statement of Chamkaur



Singh @ Gora @ Gurpreet Singh was recorded, wherein he has stated that some part of heroin, out of said 01 kg of heroin, was to deliver to Kuldeep Kaur @ Deepo (petitioner). Hence, she was also arrayed as an accused in the present case and resultantly, she was arrested on 27.11.2024. The petitioner approached the Court of learned Judge, Special Court, Moga 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 03.01.2025. Earlier, also the petitioner approached this Court by way of filing CRM-M-1554-2025, however, the same was dismissed as withdrawn vide order dated 19.11.2025. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present second petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that as per the case of the prosecution, 01 Kg of heroin was allegedly recovered from co-accused, namely, Chamkaur Singh @ Gora @ Gurpreet Singh. He contends that neither the petitioner was named in the FIR, or any recovery has been effected from her, however, during the investigation, on the disclosure statement of the co-accused, the petitioner was found to be one of the purchasers of the alleged contraband. He submits that even otherwise, the disclosure statement of the co-accused is not even an admissible evidence. He contends that the petitioner was falsely implicated in four other cases and it is on account of the same, she has been roped in the present case as well. He further contends that the petitioner is behind the bars from the last six months and only evidence against the



petitioner is the disclosure statement of the co-accused. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that the petitioner is a habitual offender and she is involved in four other cases under the NDPS Act. He contends that complicity of the petitioner was surfaced during the investigation and she was found to be one of the purchasers of the contraband recovered from the co-accused. He further contends that the contraband recovered in the present case is 01 kg of heroin, which falls under the commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted in this case. On instructions, he has submitted that out of total 23 prosecution witnesses, no witness has been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of the contraband was effected from co-accused and the petitioner was arrayed as an accused on the disclosure statement of the co-accused. The custody certificate would show that the petitioner has suffered incarceration of 06 months & 16 days as on 25.05.2026. As per the custody certificate, the petitioner is involved in five other cases, out of which she is on bail in three cases, in one case she has undergone the sentence awarded to her and in one case, she has been acquitted.

6. 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 of law 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.'



CRM-M-29149-2026

-5-

7. The veracity of the allegations would be assessed only after the 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 sufficient 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 to the petitioner.

8. 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.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

26.05.2026

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No