



CRM-M-40758-2025

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

CRM-M-40758-2025

Date of Decision: 06.02.2026

Mani Kaur

..... Petitioner

Versus

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr.L.S.Sekhon, Advocate,
Mr. Nitika Sekhon, Advocate and
Mr. Sweedel Goyal, Advocate,
for the petitioner.

Mr.K.D.Sachdeva, DAG, 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.100 dated 01.08.2023, registered under Sections 22 and 29 of NDPS Act, 1985 at Police Station Amargarh, District Malerkotla.

2. Succinctly, facts of the case are that the police party while on patrolling on 01.08.2023 when reached about one kilometer ahead towards Mohali side from village Bagrain, then a man and a woman were searching a polythene while sitting on the left side corner of the road, who on seeing the police, started running and left the polythene on the spot. However, they were apprehended by the Police. On asking, they disclosed their names as Soni Singh and Mani Kaur (petitioner) wife of Soni Singh. They were suspected to be carrying some contraband in the polythene and thus, search of the same was conducted. On conducting search, 105 strips, each containing 10/10 tablets, total tablets 1050 make NRX Alprazolam tablets were recovered. They failed to produce any licence regarding the conscious



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possession of the same and they were arrested on the spot and FIR was registered. The investigation commenced and the samples taken were sent to the FSL. On receipt of the FSL report, the challan was presented and charges were framed and trial commenced. The petitioner approached the Court of learned Judge, Special Court, Sangrur 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 13.10.2023. Earlier the petitioner approached this Court thrice by way of filing CRM-M-22289-2024, CRM-M-2009-2025 and CRM-M-14545-2025, however, the same was dismissed as withdrawn/dismissed by this Court vide orders dated 09.05.2024, 21.01.2025 and 21.03.2025, respectively. Hence, the petitioner has again approached this Court praying for grant of regular bail by way of filing the present fourth petition.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail to the petitioner on the basis of parity with that of the co-accused, namely, Soni Singh. He has drawn the attention of this Court to the order dated 21.05.2024 passed in **CRM-M-24483-2024**, whereby, co-accused Soni Singh has been granted regular bail by this Court. To buttress his arguments, he submits that the petitioner has no criminal antecedents and she is behind the bars since 01.08.2023. He submits that on the basis of the parity, the petitioner deserves to be granted bail as the case of the petitioner is similar to that of the said co-accused, who has already been granted bail.

4. Learned State counsel has endorsed the factum of grant of bail to the co-accused of the petitioner as stated above and has not denied that the petitioner is at par with the co-accused, namely, Soni Singh. On instructions,



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he submits that out of 13 prosecution witnesses, 01 witness has been examined. He has placed on record the custody certificate of the petitioner.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested in this case on 01.08.2023. Co-accused, namely, Soni Singh is on bail and the case of the petitioner as stated is at par with him. Custody certificate of the petitioner shows that the petitioner has suffered incarceration of 02 years, 06 months & 02 days as on 05.02.2026. It further reflects that the petitioner has no criminal antecedents. Out of total 13 prosecution witnesses, 01 witness has been examined.

6. As per law settled, speedy trial to the petitioner despite his involvement in multiple cases cannot be taken away. The trial of the case is likely to take sufficient time. Speedy trial is the right of every accused. The Hon'ble Supreme Court in Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya Vs. National Investigation Agency, 2022(1) SCC 695 has held as under:

“Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

7. The Hon'ble Supreme Court in a recent decision dated 03.07.2024 in Javed Gulam Nabi Shaikh Vs. State of Maharashtra, Criminal Appeal No. 2787 of 2024, has held that howsoever serious a



crime may be, an accused has the right to speedy trial under the Constitution of India.

8. 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.'

9. 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. This Court would refrain itself from commenting anything on the merits of the case. 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 on the basis of parity.
10. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.
11. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

06.02.2026		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No