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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-52572-2025 (O&M)
Date of decision: 24.03.2026

Heena ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gurmehar Singh Minhas, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case arising out of FIR No. 326 dated 05.12.2024, registered under Sections 22(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Phillaur, District Jalandhar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 05.12.2024, the petitioner along with her husband co-accused Jatinder Kumar @ Raju was apprehended by a police party and recovery of 105 loose intoxicant tablets containing Etizolam was effected from an envelope which was thrown by the co-accused. Since they could not produce any valid license or permit to keep in their possession the recovered drugs, they were formally arrested at the spot. The petitioner was granted concession of interim bail awaiting the FSL report. On receipt of FSL report, it was found that the recovered tablets were containing Etizolam, which was a psychotropic

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substance, and the total weight of the tablets came to be 19.005 grams, which fell under commercial quantity. The petitioner had surrendered back on 17.07.2025 and since then, she has been in custody. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. A false recovery was planted upon her and co-accused. She has clean antecedents. Mandatory provisions of the law were not complied with. She has not misused the concession of interim bail. Even otherwise, investigation has since been completed and challan has been presented. The trial is likely to take a long time. No useful purpose would be served by keeping her in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and the custody certificate of the petitioner have been filed. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner as well as the fact that commercial quantity of the contraband was recovered from her, she is not entitled to get benefit of bail as rigors of Section 37 of the NDPS Act would be attracted against her. Trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, she may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. As per the allegations, the petitioner along with the co-accused, who is her husband, was apprehended by the police party on 05.12.2024 and

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recovery of commercial quantity of contraband was effected from their conscious possession. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the law during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. Investigation has since been completed and challan has been filed. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

24.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No