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

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Date of decision: 04.02.2026

RAJI @ RAJI KAUR**..PETITIONER****VERSUS****STATE OF PUNJAB****..RESPONDENT****CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.20 dated 27.02.2025, under Sections 21, 22, 29, 61, 85 of NDPS Act, 1985, registered at Police Station Cheema, Tehsil Sunam, District Sangrur.

2. Succinctly, the facts of the case are that the police party, while on patrolling on 27.02.2025, they crossed the drain bridge 100 meters ahead in the area of village Chaubas Jakhepalto Village Kotda Amru on metalled road, then they saw a woman coming. On seeing the police, she got perplexed and took out a transparent plastic bag from her shawl and threw it on the ground. She tried to escape, however, on suspicion, she was stopped by police party. On asking, she disclosed her name to be Raji wife of Janta Singh. She was suspected to be carrying some contraband in the plastic bag thrown by her. Thus, search was carried out. On conducting the search of the same, 260 grams of intoxicant powder was recovered. She failed to produce any license regarding the possession of the same and thus, she was arrested at the spot. On registration of FIR,

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contraband recovered was found to be 260 grams of Tramadol Hydrochloride. On completion of the investigation, the challan was presented and on framing of charges, trial commenced. She approached the learned Judge, Special Court, Sangrur for grant of bail. However, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Sangrur declined the bail application vide order dated 29.04.2025. Aggrieved by the same, petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined and the provisions of Section 50 of the NDPS Act have been violated. He further submits that even otherwise the alleged recovery was of 260 grams of Tramadol, which is marginally above the commercial quantity. He further submits that time and again, petitioner has been falsely implicated in 09 other cases by the police by planting fake recoveries upon her. He further submits that petitioner is behind bars since 27.02.2025. However, there is no material progress in trial. He further submits that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. Status report by way of affidavit of Harvinder Singh, PPS, Deputy Superintendent of Police, Sub Division Sunam, Udham Singh Wala, District Sangrur on behalf of the respondent-State and custody certificate of the petitioner have been filed in Court today and the same are taken on record. Copies thereof have been supplied to the counsel opposite.

5. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner is a habitual offender



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and she was arrested at the spot. The alleged recovered contraband weighing 260 grams of Tramadol Hydrochloride falls within the category of commercial quantity in the present case. Thus, the rigours of Section 37 of the NDPS Act are attracted in the present case. She, on instructions, submits that out of total 12 prosecution witnesses, 05 have been examined. She has placed on record the custody certificate of the petitioner.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that the alleged recovery was effected from the public place. The recovered contraband is 260 grams of Tramadol Hydrochloride and as per the schedule of NDPS, the quantity of Tramadol Hydrochloride of 250 grams falls under commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 10 months and 29 days as on 03.02.2026 and she is involved in 09 other cases, however, he is on bail in those cases. Out of total 12 prosecution witnesses, 05 have been examined.

8. In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. 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.

20. xxxxx

21.it 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.

22. xxxxx

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 conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

10. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail



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to the petitioner. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.02.2026
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(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No