



CRM-M-55180-2025 and
CRM-M-4444-2026

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-55180-2025

Harpreet Kaur @ PreetiPetitioner
Versus

State of PunjabRespondent
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CRM-M-4444-2026

Vinod Kumar @ BillaPetitioner
Versus

State of PunjabRespondent

Decided on: 26.02.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. B.S. Kathuria, Advocate for the petitioner
(in CRM-M-55180-2025).

Mr. Sandeep Arora, Advocate for the petitioner.
(in CRM-M-4444-2026)

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J.

1. By way of this common order, both the aforementioned petitions are being disposed of, as they arise out of one common FIR.

2. Petition **CRM-M-55180-2025** has been filed by petitioner **Harpreet Kaur @ Preeti** seeking regular bail in FIR No. 15 dated 05.02.2025, under Sections 22, 29 of the NDPS Act, registered at Police Station Sadar, District Jalandhar.

Petition **CRM-M-4444-2026** has been filed by petitioner **Vinod Kumar @ Billa** seeking regular bail in the same FIR No. 15 dated 05.02.2025, under Sections 21, 29 of the NDPS Act, registered at Police Station Sadar, District Jalandhar.



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3. As per the case of the prosecution, petitioner-Harpreet Kaur w/o Bulla, along with her co-accused Bulla, were apprehended together. On seeing the police party, Bulla allegedly threw a plastic bag, which, upon search, was found to contain 50 grams of heroin.

At the time of the initial arrest, no contraband was recovered from the possession of petitioner Harpreet Kaur @ Preeti. However, after two days, on 07.02.2025, 260 grams of heroin were shown to have been recovered at her instance from a Veterinary Hospital in Jalandhar, which, in no manner, is connected to any activities involving the petitioner Harpreet Kaur @ Preeti.

4. Submission on behalf of petitioner Harpreet Kaur @ Preeti:

Learned counsel for the petitioner argues that a false version has been introduced, because the FIR does not mention any reason why the petitioner, who was already present with her husband, would separately retain 260 grams of heroin. Counsel further contends that no such fact was mentioned in the FIR, and the recovery of 260 grams has been falsely attributed to the petitioner.

Counsel submits that the allegations are improbable because, as per the disclosure statement of the petitioner, she possessed 400 grams of heroin, out of which 90 grams had already been sold and the remaining 50 grams was recovered from the polythene bag thrown by her husband. Counsel further submits that the petitioner is in custody for the past one



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year and the process of recording statements of the prosecution witnesses, totalling seventeen in number, has not yet commenced.

5. Submission on behalf of petitioner Vinod Kumar @ Billa:

Learned counsel for petitioner-Vinod Kumar @ Billa submits that he has been implicated in the case solely on the basis of the disclosure statement of co-accused Harpreet Kaur @ Preeti. On being arrested, no narcotic contraband was recovered from his possession.

Counsel further submits that when the alleged recovery and disclosure statement of the co-accused were recorded, petitioner was already in jail facing several cases. He has been implicated only to create a situation against him, and no other connecting evidence could be collected by the prosecution. Petitioner is in custody for the past eight months and is involved in the case solely on the basis of the disclosure statement, which is not admissible under law. Counsel, therefore, prays for grant of regular bail.

6. I have heard learned counsel for the parties and perused the paper-book as well as the documents appended thereto.

7. The legislation, namely the **BNSS Act, 2023**, provides special provisions for the release on bail of certain categories of persons, including women, children, Sicks, and infirm persons while in custody. For reference, Section 480(1) of the BNSS Act reads as under:



“480. When bail may be taken in case of non-bailable offence.

(1) When any person accused of, or suspected of, the commission of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station or appears or is brought before a Court other than the High Court or Court of Session, he may be released on bail, but-

(i) such person shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or imprisonment for life;

(ii) such person shall not be so released if such offence is a cognizable offence and he had been previously convicted of an offence punishable with death, imprisonment for life or imprisonment for seven years or more, or he had been previously convicted on two or more occasions of a cognizable offence punishable with imprisonment for three years or more but less than seven years:

Provided that the Court may direct that a person referred to in clause (i) or clause (ii) be released on bail if such person is a child or is a woman or is sick or infirm:

Provided further that the Court may also direct that a person referred to in clause (ii) be released on bail if it is satisfied that it is just and proper so to do for any other special reason:

Provided also that the mere fact that an accused person may be required for being identified by witnesses during investigation or for police custody beyond the first fifteen days shall not be sufficient ground for refusing to grant bail if he is otherwise entitled to be released on bail and gives an undertaking that he shall comply with such directions as may be given by the Court:

Provided also that no person shall, if the offence alleged to have been committed by him is punishable with death, imprisonment for life, or imprisonment for seven years or more, be released on bail by the Court under this sub-section



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*without giving an opportunity of hearing to the Public
Prosecutor.*

- (2)xxxxxxxx*
- (3) xxxxxxxx*
- (4) xxxxxxxx*
- (5) xxxxxxxx*
- (6)xxxxxxxx*
- (7)xxxxxxxx”*

8. Considering the fact that petitioner-Harpreet Kaur @ Preeti is a woman, and in view of Section 480 of the BNSS Act, a lenient view is warranted. She is already in custody for a substantial period of one year. Process of recording statements of the prosecution witnesses is yet to commence. Moreover, the question of her actual culpability, and whether the alleged recovered quantity was planted or falsely attributed to her, remains to be determined during the trial. Therefore, further incarceration of petitioner would serve no useful purpose for the prosecution.

9. With regard to petitioner-Vinod Kumar @ Billa, he has been implicated solely on the basis of a disclosure statement made by co-accused Harpreet Kaur @ Preeti, which is not admissible as evidence against under law. No narcotic contraband was recovered from his possession at the time of arrest, and there is no independent evidence linking him to the alleged offence.

Furthermore, at the time of the alleged recovery, the petitioner was already in judicial custody in other matters, indicating that the disclosure statement has been used merely to implicate him without



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proper verification or corroboration. Process of recording statements of prosecution witnesses is yet to commence.

Considering the circumstances in its entirety, this Court is of the view that further incarceration of the petitioners would not sever any useful purpose at this stage. Accordingly present petitions are allowed. Petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

11. Petitions stand disposed of.

12. A photocopy of this order be placed on the files of other connected cases.

**(SANJAY VASHISTH)
JUDGE**

26.02.2026
Rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**