



215

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

**CRM-M No.54326 of 2025
Date of Decision: 28.01.2026**

Amandeep Kaur @ Aman**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Damanjit Singh Sandhu, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. Present second petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.18, dated 26.02.2025, under Sections 22/61 of NDPS Act, 1985, registered at Police Station Ladhawal @ Ladhuwal, District Ludhiana, Punjab.

2. Succinctly, the facts of the case are that on 26.02.2025, the police party was on patrolling and when they reached near Kaccha way near village Talwandi Kalan, they saw a lady coming from the side of railway bridge. On seeing the police, she got perplexed and threw a white polythene on the ground, which she was holding in her hand. She tried to escape, however, the police party with the help of lady police official apprehended her. On asking, she disclosed her name to be Amandeep Kaur @ Aman (petitioner). She was suspected to be carrying some contraband

in the white polythene thrown by her and thus, search of the same was



conducted. On conducting the search of the polythene bag, 90 intoxicating tablets of Etizolam were recovered. She failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and she was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing of charges, the trial commenced. The petitioner approached the Court of learned Judge, Special Court, Ludhiana praying for the grant of regular bail, however after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Ludhiana declined the bail application filed by the petitioner vide order dated 01.05.2025. Being aggrieved, the petitioner earlier approached this Court praying for the grant of regular bail by way of filing CRM-M-34061-2025, however the same was dismissed as not pressed vide order dated 09.07.2025. Hence being aggrieved, the petitioner is again before this Court by way of filing the present second petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. He has submitted that the alleged recovery has been effected from the public place, however no independent witness has been joined. He has submitted that the petitioner was earlier convicted in FIR No.337, dated 16.08.2018, under Section 21 of NDPS Act, registered at Police Station Salem Tabri, however her sentence was suspended vide order dated 27.08.2024. He has submitted that after her suspension, the present case was planted upon the petitioner. He has submitted that the petitioner is behind bars since the date of her arrest, however there is no material progress in the trial. He has



submitted that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Learned counsel for the State has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that the contraband recovered in the present case weighing 8.28 grams of Etizolam, which is a commercial quantity and thus, the provisions of Section 37 NDPS Act are attracted. He has submitted that the petitioner is convicted in one more case. He, on instructions, has submitted that out of total 11 prosecution witnesses, no witness has been examined till date. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

5. Heard.

6. On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrested on the spot on 26.02.2025. The recovery effected in the present case is 8.28 grams of Etizolam, which falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered an incarceration of 10 months and 29 days as on 26.01.2026. It further reflects that the petitioner is convicted in one more case, however, her sentence has been suspended in the same. Out of 11 prosecution witnesses, no witness has been examined so far.

7. 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."*

8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail.

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

28.01.2026

rittu

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No

(RAJESH BHARDWAJ)

JUDGE