

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

(232)

**CRM-M-10765-2026(O&M)
DATE OF DECISION:14.05.2026**

Kamla Rani @ Rani

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Surinder Thakur, Advocate, for the petitioner.
Ms. Navreet K. Barnala, Asstt. AG, Punjab.

SUBHAS MEHLA, J (ORAL)

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.288 dated 09.11.2022, under Sections 21-B of NDPS Act, registered at Police Station Special Task Force, SAS Nagar (Annexure P-1).

2. Learned counsel for the petitioner prays for grant of regular bail to the petitioner on the following grounds:

- i. That initially the petitioner was released on regular bail by learned trial Court vide order dated 22.12.2022;
- ii. That she was appearing regularly and on 20.05.2024, due to medical treatment she could not appear before learned trial Court;
- iii. That on 27.09.2024, her bail order was cancelled and bail/surety bonds were forfeited to the State and she was ordered to be summoned through warrants of arrest;
- iv. That vide order dated 22.09.2025, passed by a Co-ordinate Bench of this Court, in CRM-M-36762-2025, petitioner was directed to surrender before the learned trial Court within 10 days, to join the proceedings and;
- v. That due to her absence before the learned trial Court, she was declared proclaimed offender and thereafter, was arrested in this case;



- vi. That she is in custody for the last five months;
- vii. That the trial of the case is likely to take sufficient time to conclude and
- viii. That no fruitful purpose would be served by keeping the petitioner behind the bars.

3. On the other hand, Ms. Navreet K. Barnala, Asstt. AG, Punjab, appears on behalf of respondent/State and files custody certificate of the petitioner, same is taken on record. Learned State counsel vehemently opposes the prayer for grant of regular bail to the petitioner on the following grounds:

- i. That the petitioner has misused the concession of bail granted to her and was declared proclaimed offender by the learned trial Court;
- ii That out of total 10 witnesses, 2 examined and 8 remains to be examined before the learned trial Court;
- iii That trial is going on and the next date fixed before the learned trial Court is 18.05.2026.

4. Heard.

5. Taking into consideration the contentions of the learned counsel for the petitioner as well as learned State counsel and the totality of the circumstances of the case, this Court is of the considered view that concession of bail cannot be denied just as measure of punishment, as culpability of the accused will be decided at the final stage by the trial Court after appreciating the evidences adduced by both sides, and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception. Accordingly, this Court deems it a fit case to grant the concession of regular bail to the petitioner on the following aspects:



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- i. That initially the petitioner was released on regular bail by learned trial Court vide order dated 22.12.2022;
- ii. That on account of medical treatment, petitioner could not appear before learned trial Court, pursuant to which her bail was cancelled and subsequently she was declared proclaimed offender;
- iii That petitioner has remained in custody for five months and
- iv That the trial of the case is likely to take sufficient time to conclude and no fruitful purpose would be served by keeping the petitioner behind the bars.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is **allowed**. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned, subject to the condition which learned trial Court deem fit to secure her presence during trial.

7. All pending misc. applications, if any, be also disposed of.

14.05.2026
mamta

(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No