



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

**CRM-M-12466-2026
Date of decision: 13.05.2026**

SARVJEET KAUR

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Sumeet S. Brar, Advocate for the petitioner.

Mr. Mr. Surender Singh Pannu, Addl. A.G., Haryana.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, the petitioner is seeking regular bail in case bearing FIR No.216 dated 10.09.2025 registered under Sections 21B/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') at Police Station Kalanwali, District Sirsa.

2. The allegations against the petitioner are that she was found in conscious and unlawful possession of 7 grams 45 miligrams of heroin, pursuant to which, she was arrested in the present case.

3. Learned counsel for the petitioner prayed for grant of regular bail to the petitioner on the following grounds:

- i. The contraband recovered from the petitioner is marginally above the small quantity, which also includes the weight of the polythene.
- ii. Maximum punishment provided for being in possession of small quantity of heroin, is imprisonment for a term extending upto one



year, and the petitioner is in custody for the last 07 months and 19 days.

- iii. Although, the petitioner is involved in other cases but all the cases are undertrial and in one case, she has been acquitted.
- iv. Investigation qua the petitioner has already been completed and final report under Section 193 of BNSS has already been filed.
- v. Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner behind the bars for an indefinite period.

4. Learned State counsel produced the custody certificate of the petitioner, which is taken on record. He opposed the prayer of the petitioner on the following grounds:

- i. The petitioner is a habitual offender as she is involved in six more cases under the NDPS Act.
- ii. Drug menace is increasing day by day in the society and if the petitioner will be released on bail, she will again get indulged in offence of similar nature.

5. Heard.

6. Keeping in view the facts and circumstances of the present case, this Court finds merit in the present petition on the following aspects:

- i. The contraband recovered from the petitioner is marginally above the small quantity and also includes the weight of the polythene.
- ii. The petitioner is in custody since 10.09.2025 i.e. for the last 07 months and 19 days.



iii. Investigation qua the petitioner has already been completed and final report under Section 193 of BNSS has already been filed.

iv. Trial will take sufficient time to conclude. No fruitful purpose would be served by keeping the petitioner in custody for any further period.

7. Concession of bail cannot be denied just as a measure of punishment as culpability of accused is to be decided after appreciating evidence adduced by both the parties. It is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioners.

8. 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.

9. It is made clear that after being released on bail, if any FIR is registered against the petitioner under the NDPS Act, the State would be at liberty to move an appropriate application for cancellation of her bail, before the competent Court.

May 13, 2026
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(SUBHAS MEHLA)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No