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

CRM-M-72287-2025

Date of decision :20.03.2026

Rajwinder Kaur**....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Ramta Chowdhary, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.133 dated 16.10.2024 under Section 21(b) & 29 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanwind, District Amritsar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 16.10.2024 saw three persons coming on a motorcycle and, out of them, one was woman. On seeing the police, they got perplexed and the person sitting behind the rider of the motorcycle handed over one envelope to the woman sitting behind him, who tried to throw it away. However, they were apprehended. On asking, the rider of the motorcycle disclosed his name as Arjinder Singh @ Jinder, the person sitting behind the rider of the motorcycle, disclosed his name as Sukhbir Singh @ Bittu and the woman sitting behind him, disclosed her name as Sarabjit Kaur. They were suspected to be carrying some contraband and thus, search was conducted. On conducting the search, 200 grams of heroin was recovered. They failed to produce any license regarding



possession of the same and hence, the FIR was registered and all were arrested on spot. The investigation commenced. During investigation, complicity of the petitioner surfaced in the present case and thus, she was arrested on 16.10.2024. Samples taken were sent to the FSL. On conclusion of investigation, challan was presented and on framing of charges, the trial commenced. The petitioner approached the Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Amritsar vide order dated 10.11.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that as per the case of the prosecution, the alleged recovery of 200 grams of heroin, was effected from co-accused, namely, Arjinder Singh @ Jinder, Sarbjit Kaur and Sukhbir Singh @ Bittu. He submits that the petitioner was arrayed as an accused on the basis of disclosure statement of co-accused, namely, Sarbjit Kaur which is not even an admissible evidence. He submits that hereinafter, recovery of 800 grams of heroin, has been planted upon the petitioner. To buttress his arguments, he submits that the petitioner has no criminal antecedents as she has never been involved in any other case. He submits co-accused, namely, Arjinder Singh @ Jinder, Sarbjit Kaur and Sukhbir Singh @ Bittu, have already been granted bail by this Court. He submits that the petitioner is behind the bars since the date of her arrest, however, there is no material progress in the trial and thus, her right of speedy trial has been defeated. He thus submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.



4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that complicity of the petitioner surfaced during investigation and recovery of 800 grams of heroin was effected from her. She submits that the total contraband recovered in the present case is of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted. She, on instructions, has submitted that out of total 14 prosecution witnesses, none has been examined so far. She has placed on record the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the complicity of the petitioner surfaced during the investigation, on the basis of disclosure statement of co-accused. The total recovery effected in the present case is of commercial quantity. As submitted before this Court, out of total 14 prosecution witnesses, none has been examined so far. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 04 months and 27 days as on 19.03.2026. It further reflects that the petitioner has no criminal antecedents.

6. 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.

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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.*

7. 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.



8. 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. 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.

20.03.2026

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(**RAJESH BHARDWAJ**)
JUDGE

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