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

**CRM-M No.34665 of 2025
Date of Decision: 24.09.2025
Reserved on: 17.09.2025**

Ishro @ Eshro Kaur ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.K.S. Phoolka, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
63	09.04.2025	Sadar Bathinda, District Bathinda, Punjab	22(b) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act')

2. As per the allegations, on 09.04.2025, the accused Sandeep Singh and Jaswinder Kaur were apprehended and 100 unstripped tablets were recovered from them. They failed to produce any valid permit or licence for keeping those tablets, which were contraband. They were

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arrested. The accused Sandeep Singh suffered disclosure statement on the basis of which the petitioner and Jagseer Singh @ Jaggi were nominated as accused. The petitioner was arrested on 10.04.2025. The recovered tablets were sent for chemical examination and as per the report, they were found to be containing Tramadol Hydrochloride. The investigation stands completed.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. She was not named in the FIR. The provisions of Section 37 of NDPS Act are not attracted against her. The prosecution case suffers from several infirmities as mandatory provisions of NDPS Act have not been followed. The trial is likely to take time. Her further incarceration would not serve any useful purpose. It is, therefore, urged that she deserves to be released on bail.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that there are serious allegations against the petitioner who is a habitual offender against whom several cases are pending. The contraband recovered from the co-accused had been supplied by her. There are chances of her committing similar offences if extended benefit of bail. It is, therefore, urged that she does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The well settled proposition of law is that the Court while considering an application for grant of bail has to keep certain factors in

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mind, such as, whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence; circumstances which are peculiar to the accused; likelihood of the offence being repeated; the nature and gravity of the accusation; severity of the punishment in the event of conviction; the danger of accused absconding or fleeing, if released on bail and reasonable apprehension of the witnesses being threatened. The period of incarceration is also relevant fact that is to be considered. It is also unequivocally established that, to be granted bail, the accused charged with offence under the provisions of NDPS Act must fulfill the conditions stipulated in Section 37 of the NDPS Act.

7. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused Sandeep Singh, from whom recovery of contraband has been effected. As per his disclosure statement, he had sourced the contraband from the petitioner. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery was ever effected from the petitioner. Though she is involved in some cases under the provisions of NDPS Act as well as Excise Act, however, she is on bail in all of such cases. Her involvement in other cases cannot be considered to be a ground for denying benefit of bail to her. She is

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in custody since 10.04.2025. Challan has been presented but trial will take considerable time to conclude. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) she shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) she shall appear before the learned trial Court as and when directed.
- (iv) she shall provide her address where she would be residing after release and shall not change the same without informing the concerned IO/SHO.
- (v) the petitioner shall upon her release give her mobile phone number to concerned IO/SHO and shall keep her mobile phone switch on all times.

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8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

24.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No