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

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**CRM-M-26349-2025 (O&M)
Date of Decision: 27.08.2025**

Chhoti Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. P.S.Sekhon, Advocate and
Mr. Rajdeep Singh Gill, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.(Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Chhoti Kaur	129	24.07.2023	22, 27 and 29 of NDPS Act, 1985	Bhikhi	Mansa

2. In the instant case, there is recovery of 900 intoxicant tablets of Tramadol from main accused-Bhinder Singh and allegations against the petitioner is that she had supplied those tablets to the main accused-Bhinder Singh, therefore, petitioner was arrested and thereafter on the basis of her disclosure statement, recovery of 200 tablets of tramadol was also effected from her house.



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3. Learned counsel for the petitioner contends that petitioner is a widow lady aged about 51 years. Further contends that in fact petitioner is in custody, in the present case, since 25.07.2023 i.e 2 years and 1 month approximately & out of total 14 prosecution witnesses, only 1 has been examined till date.

Learned counsel, thus, prays for grant of concession of regular bail to the petitioner.

4. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 27.08.2025 in Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 2 years, 1 month and 2 days period inside jail and other cases registered against her are as under:

Sr. No.	Date of case (FIR No., dated, Section, Police Station, District)	Status of Case (Trial pending or concluded or yet to commence)	Remarks (in jail, Undergone, Acquitted, on bail)
1	51 dated 10.06.2017, under Section 61,1,14 of Excise Act registered at Police Station Bhikhi, Mansa	Under trial	Bail
2.	73 dated 21.06.2019, under Section 22 of NDPS Act, 1985 at Police Station Bhikhi, Mansa	Under trial	Bail
3.	153 dated 21.09.2019, under Section 22 of NDPS Act, 1985 at Police Station Bhikhi, Mansa	Under trial	Bail
4.	59 dated 07.04.2020, under Sections 188 and 269 IPC at Police Station Bhikhi, Mansa	Convicted	After fine of Rs.200, she released in this case.

5. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that allegations against the petitioner is serious in nature; hence, she does not



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deserve the concession of bail pending trial.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds that the submissions addressed by counsel for the petitioner is more impressive. For proving the charges, there has to be positive or affirmative evidence with the prosecution which of course if available, can be produced during the course of trial. Furthermore, it is not the allegation of State that in case, petitioner is released on bail, she shall influence the witnesses or hamper the course of trial, in any manner; thus, further incarceration of the petitioner would not serve any purpose.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to her furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.



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12. Petition stands disposed of.

27.08.2025

Rajeev (rvs)

(SANJAY VASHISTH)

JUDGE

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**