



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

**CRM-M-38447-2025 (O&M)  
Date of Decision: 25.07.2025**

**RAJ KAUR**

**...Petitioner**

**V/S**

**STATE OF PUNJAB**

**...Respondent**

**CORAM: HONBLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Vaibhav Sehgal, Advocate and  
Ms. Vardhani Gupta, Advocate for the petitioner.  
Mr. Jasdip Singh, Addl. AG Punjab.

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**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:-

<b>Name of Petitioner(s)</b>	<b>FIR No.</b>	<b>Date</b>	<b>Section(s)</b>	<b>Police Station</b>	<b>District</b>
<b>Raj Kaur</b>	<b>93</b>	<b>02.05.2025</b>	<b>15, 61, 85 of NDPS Act</b>	<b>Sidhwan Bet Nagar</b>	<b>Ludhiana</b>

2. Learned counsel for the petitioner contends that as per the case set up by the prosecution, co-accused Kulwant Singh (husband of the petitioner-Raj Kaur) succeeded in running away from the house and thereafter the petitioner was arrested by the police, while she was all alone in the house, which was belonging to the petitioner and her husband. There is a recovery of 52 kilograms of poppy husk, which was meant to be stored in Fodder (toori for the animals). Further, quantity of contraband allegedly recovered from the petitioner is marginally higher than the non-commercial quantity and therefore, the procedure adopted by the Investigating Officer at the time of weighing of the contraband would be an issue before the trial Court, which definitely shall be subjected to the cross-examination in accordance



**CRM-M-38447-2025 (O&M)**

**-2-**

with evidence adduced by the prosecution.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated Nil in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has already been handed over to the counsel for the petitioner.

4. As per custody certificate, petitioner has already undergone 02 months and 20 days period inside jail and there is no other case registered against her.

5. Learned State counsel has vehemently opposed the prayer of grant of bail to the petitioner, keeping in view the nature of allegations and the gravity of offence involved herein. He further submits that if the petitioner is granted concession of bail, there is every likelihood of their being absconding from the trial and can indulge in similar kind of activities.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds substance in the submissions made by learned counsel for the petitioner by observing that the petitioner is not involved in any other case and as per the custody certificate, she is confined in judicial custody from the date of registration of FIR i.e. 02.05.2023. Petitioner being woman and conscious possession of the contraband was there or not with the petitioner is yet to be established by the prosecution. Accordingly, this Court does not find any specific reason to curtail the liberty of the petitioner for any longer also for the reason that culmination of trial is likely to take considerable time.

7. As per the 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.

**CRM-M-38447-2025 (O&M)****-3-**

Consequently, prayer made in the present petition is allowed. Petitioner is ordered to be released on bail, subject to his 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.

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

9. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. 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.

11. Petition stands disposed of.

**25.07.2025***Ajay Goswami***(SANJAY VASHISTH)  
JUDGE**

*Whether speaking/reasoned*      *Yes/No*  
*Whether reportable*              *Yes/No*