

2025:PHHC:067734



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

227

**CRM-M-13674-2025 (O&M)
Date of decision: 20.05.2025**

Jaswinder Kaur @ Binder

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Zorawar S. Chauhan, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 001 dated 01.01.2025, registered under Sections 15(a), 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Section 15(b) of the NDPS Act added and Section 27-A of the NDPS Act deleted later on] at Police Station Phillaur, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 01.01.2025, the petitioner was apprehended by the police party and recovery of 05 kgs. poppy husk and drug money of Rs.35,000/- was effected from her. Investigation of the case is still underway. The petitioner had moved an application for grant of regular bail before the Court of learned Judge, Special Court, Jalandhar bail but the same had been dismissed, vide order dated 20.02.2025.

3. Learned counsel for the petitioner has argued that she has been

2025:PHHC:067734



falsely implicated in this case. In fact, the contraband, allegedly recovered from the petitioner, was planted upon her. The quantity of the contraband does not fall under commercial quantity. So far as the recovery of drug money of Rs.35,000/- is concerned, the husband of the petitioner had withdrawn an amount of Rs.50,000/- from his account and the police had snatched the said amount from him, out of which, an amount of Rs. 35,000/- had been shown as the recovered drug money. No independent witness was joined. Later on, offence under Section 27-A of the NDPS Act was deleted. The petitioner is in custody since 01.01.2025. Investigation of the case is still pending. Hence, it will take a long time for conclusion of trial after completion of investigation and filing of *challan* thereof. No useful purpose would be served by keeping the petitioner in custody anymore. She had been falsely implicated in one more case under the NDPS Act, wherein she had been acquitted. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. *Per contra*, learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against her. She was found in possession of 05 kgs. of the poppy husk and drug money of Rs.35,000/-. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was apprehended by the police party and recovery of 05 kgs. of poppy husk was effected from her. Drug money of Rs.35,000/- is also shown to have been recovered from her.

2025:PHHC:067734



The quantity of the contraband admittedly does not fall within the ambit of the commercial quantity. The petitioner has been acquitted in other case registered against her under the NDPS Act. She is in custody since 01.01.2025. Investigation of the case is still pending. Hence, it will take a long time for the trial to conclude. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to her furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

20.05.2025

Wassem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*