IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CNR No: PHHC010083022026
2026:PHHC:128745

CRM-M-3840 of 2026 (O&M)

216 Date of Decision:11.09.2026

Manpreet Kaur

..Petitioner

Versus

State of Punjab

..Respondent

Sr. No.	Particular	
1.	The date when the judgment is reserved	09.09.2026
2.	The date when the judgment is pronounced	11.09.2026
3.	The date when the judgment is uploaded on the website	11.09.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment and reasons thereof	Not applicable.

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Argued by: Mr. Saurabh Singla, Advocate
for the petitioner.

Mr. Sukhbeer Singh, DAG Punjab.

SHALINI SINGH NAGPAL, J.

1. Petitioner seeks regular bail in case vide FIR No.67 dated 01.07.2024, under Sections 22(c)/61/85 of NDPS Act, Police Station Kabarwala District Shri Muktsar Sahib, Punjab. This is the first petition seeking regular bail.

2. It is alleged that on 01.07.2024, when police party headed by SI Ranjit Singh was patrolling on link road from village Sham Khera towards village Kolianwali, petitioner was apprehended on suspicion. On seeing the police party, she threw a polythene envelope and attempted to slip away. The

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polythene envelope contained 30 intoxicant tablets of Etazip MD 0.5 bearing Batch No.EZDT22002, date of manufacturing as 11/2022, date of expiry as 10/22.

3. Learned counsel for the petitioner prays for regular bail on the ground that petitioner had been falsely implicated due to personal enmity; that no recovery was effected from her conscious possession; that the tablets were planted on the petitioner; that Section 50 of NDPS Act was not complied with. He further submits that petitioner was in custody w.e.f. 01.07.2024 and out of 16, prosecution had examined only 1 witness. Thus, even though the quantity was commercial in nature, petitioner was entitled to concession of bail as her right to speedy trial was infringed.

4. Learned State counsel has opposed the prayer for regular bail submitting that the petitioner was a habitual offender, involved in three other cases under the NDPS Act. Though she was discharged in FIR No. 104, dated 09.07.2022, under Sections 22-B/61/85 NDPS Act, P.S. Kabarwala, another case under NDPS Act was pending against her. In yet another matter, FIR No. 66 dated 11.05.2023, under Sections 21-B/61/85 NDPS Act, P.S. City Malout petitioner was convicted

5. Recovery allegedly effected from conscious possession of petitioner is commercial in nature. Section 37 (1)(b)(ii) of NDPS, casts a duty on the court to record its satisfaction that there exist reasonable grounds for believing that the accused is not guilty of the offence charged and second that he is not likely to commit any offence, while on bail. The provision is not a mere formality but a mandatory precondition imposed upon the Court before enlarging an accused on bail.

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6. Petitioner is a previous convict in FIR No. 66 dated 11.05.2023. This is borne out from the status report filed by police and custody certificate, which have not been disputed during the course of arguments.

7. Hon'ble Supreme Court in ***State of Punjab Versus Sukhwinder Singh @ Gora, 2026 SCC online SC 671*** has held that the right to speedy trial, rooted in Article 21 of the Constitution, is undoubtedly a precious Constitutional right. That said, in matters governed by a special enactment such as the NDPS Act, particularly where the recovery is of commercial quantity, the said right under Article 21 must be exercised within the framework of Section 37 and cannot be pressed into service solely on the ground of delay to override it. The constitutional right under Article 21 and the special provision of law under Section 37, NDPS Act are to be read harmoniously and not placed in opposition to each other.

8. Considering the antecedents of the petitioner, who is a previous convict, this Court is not in a position to record a satisfaction that she is not likely to commit any offence while on bail or that there exist reasonable grounds for believing that petitioner is not guilty of offence charged. Right to speedy trial of a prisoner is required to be balanced with the right of the collective and interest of the society a whole.

9. For the reasons aforesaid, no ground to release the petitioner on bail is made out.

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10. However, considering that only 1 out of 16 witnesses has been examined during the trial, learned Trial Court is requested to decide the case as expeditiously as possible by granting short adjournments.

All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

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Whether speaking/reasoned : Yes
Whether reportable : No

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