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

CRM-M-45880-2026
Date of Decision: 23.09.2026

VANDANA **...Petitioner**

Vs.

STATE OF PUNJAB **...Respondent**

CORAM:- HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Manoj R. Sharma, Advocate for the petitioner.

Ms. Navreet Kaur, AAG, Punjab.

VIRINDER AGGARWAL, J. ***(Oral)***

1. The present petition has been filed for grant of the concession of regular bail to the petitioner in FIR No. 64 dated 01.04.2026, registered under Sections 21(c) and 29 of the NDPS Act and Sections 25 and 29 of the Arms Act, at Police Station Dinanagar, District Gurdaspur.

2. The prosecution case, in brief, is that on 01.04.2026, a police party headed by ASI Ramesh Kumar was conducting patrolling and checking in the area of village Gandhian, District Gurdaspur. At about 1:25 A.M., Gurwinder Singh @ Gindu was noticed coming on foot. On seeing the police party, he allegedly became apprehensive and attempted to turn towards a dirt path, whereupon he was apprehended. During his search, a black-coloured waxen/plastic envelope was allegedly recovered, which on checking was found to contain heroin. The recovered substance was weighed as 260 grams along with the said envelope. Thereafter, during further search of Gurwinder Singh @ Gindu, one pistol along with a magazine containing five live cartridges was also allegedly recovered from the pocket of his track pants. He could not produce any licence or authority for possession of the said firearm

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and ammunition. Consequently, the present FIR was registered under the relevant provisions of the NDPS Act and the Arms Act. During the course of investigation, the petitioner was subsequently nominated as an accused on the basis of the disclosure statement allegedly suffered by co-accused Gurwinder Singh @ Gindu. The petitioner was arrested on 28.04.2026. The prosecution relies upon the material collected during investigation, including the disclosure statement of the co-accused, to allege the petitioner's involvement in the offences. The prosecution further treats the recovered quantity of 260 grams of heroin as commercial quantity and accordingly opposes the grant of regular bail in view of the statutory restrictions contained in Section 37 of the NDPS Act.

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and no recovery whatsoever has been effected from her. The alleged recovery of 260 grams of heroin, one pistol and five live cartridges was made from co-accused Gurwinder Singh @ Gindu, and the petitioner was subsequently nominated only on the basis of the disclosure statement of the said co-accused. It is further submitted that the petitioner has no connection with the alleged recovery and is in custody since 28.04.2026. Learned counsel also submits that the petitioner is a lady having two minor children and that co-accused Victoria, against whom similar allegations were made and from whom no recovery was effected, has already been granted regular bail. It is further submitted that the weight of the contraband was recorded along with the packaging material and the actual quantity of heroin has not been established to be commercial quantity. The

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investigation is substantially complete and no further recovery is required from the petitioner.

4. On the other hand, learned State counsel opposes the prayer for bail and submits that the petitioner has been nominated during investigation in connection with the recovery of 260 grams of heroin, one pistol and five live cartridges effected from co-accused Gurwinder Singh @ Gindu. It is submitted that the alleged quantity of heroin falls within the commercial quantity and the provisions of Section 37 of the NDPS Act are attracted. Learned State counsel further submits that the petitioner has been specifically implicated during investigation and that the allegations against her are serious in nature. As per custody certificate filed on 20.08.2026, the petitioner has remained in custody for approximately 3 months and 11 days.

5. Having considered the rival submissions and the material available on record, this Court finds that the alleged recovery of 260 grams of heroin, along with one pistol and five live cartridges, was effected from co-accused Gurwinder Singh @ Gindu and no recovery has been effected from the petitioner. The petitioner was subsequently nominated on the basis of the disclosure statement of the co-accused. The petitioner is in custody since 28.04.2026 and has undergone approximately 3 months and 23 days in custody as on 20.08.2026. The investigation is stated to be complete and the petitioner is a lady having two minor children. It is also relevant that similarly situated co-accused Victoria has already been granted regular bail. The question regarding the evidentiary value of the disclosure statement, as well as the actual net quantity of the alleged contraband after exclusion of the packaging material, are matters to be examined during trial. In these

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circumstances, keeping the petitioner incarcerated for an indefinite period would serve no useful purpose.

6. Accordingly, the present petition is allowed, and the petitioner is ordered to be admitted on regular bail, subject to furnishing requisite bail and surety bonds to the satisfaction of the learned Chief Judicial Magistrate concerned/Illaqa Magistrate/Duty Magistrate, as the case may be, and further subject to the following conditions:-

1. The petitioner shall not, directly or indirectly, make any inducement, threat, or promise to any person acquainted with the facts and circumstances of the case so as to dissuade such person from disclosing such facts before the Court or to the investigating agency.

2. The petitioner shall not tamper with the prosecution evidence in any manner whatsoever, nor shall attempt, directly or indirectly, to influence, intimidate, or contact any prosecution witness.

3. The petitioner shall not leave the territorial limits of India without obtaining the prior permission of the learned Trial Court. In the event she is in possession of a passport, she shall furnish its particulars before the Investigating Officer as well as the learned Trial Court.

4. The learned Illaqa Magistrate/Duty Magistrate, before accepting the bail and surety bonds, shall obtain from the petitioner her permanent residential address as well as present correspondence address, duly supported by appropriate documentary proof. The Investigating Officer shall verify the correctness of the said addresses within 48 hours from the acceptance of the bail bonds and shall place a verification report on the record. In the event either of the addresses is found to be false, fictitious, or incorrect, it shall be open to the prosecution to seek cancellation of the concession of bail in accordance with law.

5. The petitioner shall furnish before the learned Trial Court, either at the time of furnishing the bail bonds or within such period as may be specified by the Court, Permanent Account Number (PAN), Aadhaar Number, particulars of all operative bank accounts, and a declaration disclosing details of immovable properties, if any. Any concealment of material particulars or furnishing of false information shall constitute a valid ground for seeking cancellation of bail in accordance with law.

6. The petitioner shall intimate the Investigating Officer as well as the learned Trial Court, in writing, of any change in residential address or mobile number within seven days from the date of such change.

7. The petitioner shall not commit any offence of a similar nature during the pendency of the trial and shall remain present before the learned Trial Court on each and every date fixed, unless his personal appearance is exempted in accordance with law. She shall not absent herself from the proceedings without obtaining prior permission of the learned Trial Court. In the event of any violation of the aforesaid conditions or her unauthorized absence from the trial proceedings, it shall be open to the learned Trial Court to proceed in accordance with law, including cancellation of the concession of regular bail and issuance of appropriate coercive process, including warrants of arrest.

(VIRINDER AGGARWAL)
JUDGE

23.09.2026
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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