



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

214

CRM-M-6773-2025 (O&M)

Date of decision: 11.07.2025

Parshotam Lal @ Tidda

....Petitioner

VS.

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. K.S. Dadwal, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.228 dated 27.08.2022 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Tanda, District Hoshiarpur.

2. As per the prosecution case, on 27.08.2022, S.I Maninder Singh alongwith ASI Ranjit Singh, ASI Gurmit Singh and other police officials were going on private vehicles from Tanda to Miani side in connection with checking of suspicious persons. When the police party was little ahead of Miani road, then from the front side one individual was seen coming on foot, who on seeing the police party tried to turn back. Then, SI Maninder Singh alongwith police officials apprehended him and asked his whereabouts, who disclosed his name as Parshotam



Lal @ Tidda son of Vaishno Dass resident of near Cinema Ghar, Tanda, Hoshiarpur. The investigation officer informed him that he has suspicion that there is intoxicant substance in your possession, therefore, your search is to be conducted. After complying with the provisions of law, the search of Parshotam Lal @ Tidda was conducted. Thereafter, on checking the bag thrown by Parshotam Lal, intoxicant powder was recovered, which after weighing with digital scale, came out to be 110 gm. Then other formalities were completed and accordingly, the FIR (supra) was registered.

3. Learned counsel for the petitioner *inter alia* contends that mentioning of the FIR number in the recovery memo creates a serious dent on the case set up by the prosecution. Admittedly, the ruqa was sent to Police Station at 05:20 PM and the FIR (supra) was registered on 27.08.2022 at 06:38 PM. Further, it would be a moot point to be decided by the learned trial Court during the course of trial, whether the alleged recovery made from the petitioner falls within the commercial quantity or not as the intoxicant powder was weighed along with the polythene kit and the conscious possession of the alleged contraband has not been proved.

4. Learned counsel for the petitioner further submits that the petitioner has undergone total custody of 09 months and 07 days and there are total 12 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and the trial is likely to take long time in conclusion.



5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner is involved in other cases also and the contraband was recovered from the conscious possession of the petitioner, which falls within the ambit of commercial quantity, as such, the petitioner is not entitled for any relief, however, he could not controvert the fact that the petitioner is in custody from the last 09 months and 07 days.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 09 months and 07 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 12 prosecution witnesses, not even a single prosecution witness has been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. Further still, the FSL report dated 07.12.2022 (Annexure P-6) indicates that the contraband recovered contains Alprazolam. However, the recovered quantity exceeds the commercial quantity for the said salt only by 10 grams. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in ***Davinder Singh alias Baba vs. State of Punjab in CRM-M-***



64821-2023 decided on 25.01.2024, Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024, Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023, Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023, Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024, Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022, Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)' decided on 11.11.2022, 'Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023', and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in



further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.

9. Finally, in view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view of the discussion made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Parshotam Lal @ Tidda is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

11.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No