



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
241+109**

**CRM-M-9046-2025 (O&M)
Date of decision: 23.07.2025**

Pracheta @ Parjeja

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Samay Sandhwalia, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

CRM-24197-2025

Prayer in this application filed under Section 528 of BNSS, 2023 is for grant of interim bail to the applicant/petitioner for a period of three months on medical grounds.

Learned counsel for the applicant/petitioner does not press the instant application.

Accordingly, the application is disposed of being not pressed.

CRM-M-9046-2025

1. Prayer in this 2nd petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.62 dated 14.04.2024 registered under Sections 21, 29, 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act')



at Police Station Special Task Force, STF Wing, Ludhiana. The 1st petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 10.12.2024.

1.1. Learned counsel for the petitioner submits that this 2nd petition, seeking regular bail to the petitioner, has been filed on the ground that there is a delay in conclusion of the trial.

2. As per the prosecution case, on 14.04.2024 at about 6.00 PM in the area of Government Senior Secondary Smart School, Hambran, Parjeta alias Parcheta (petitioner herein) along with the co-accused Jonny Malwa was found in conscious possession of 800 grams of Heroin without any license or permit, along with drug money of Rs.2,00,000/- while they were traveling in Endeavour Car bearing registration No. HR-51-BL-8181. Thereafter, the impugned FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is a 19 years old household lady and she has suffered the incarceration of more than 01 year and 03 months and she is not involved in any other case. Learned counsel for the petitioner has produced the medical laboratory report of the petitioner and submits that the petitioner is suffering from a chronic illness due to excessive internal bleeding. Further there is no evidence to prove the conscious possession of the contraband allegedly recovered from the petitioner and the co-accused. It is admitted case of the prosecution that the alleged contraband was found under the driver's seat of the car. The



petitioner had no knowledge about the contraband being placed in the car by her husband. Further it would be a moot point to be decided during the course of trial, whether there is sufficient evidence to prove the mental element with regard to conscious possession of the petitioner over the contraband allegedly recovered from the petitioner and co-accused.

4. Learned counsel for the petitioner further submits that there are total 21 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date and 07 PWs have been given up 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 commercial quantity of the contraband has been recovered in the FIR (supra), however, he could not controvert the fact that the petitioner is not involved in any other case.

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 01 year, 03 months and 05 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 21 prosecution witnesses, no PW has been examined so far and 07 PWs have been given up.



7. A two Judge Bench of Hon'ble Supreme Court in ***"Satender Kumar Antil vs. CBI"***, (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

8. Further 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. 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. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Pracheta @ Parjeja 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.

10. 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

23.07.2025
yakub

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