



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

**(235) CRM-M NO.8936-2025(O&M)
DATE OF DECISION: 29.04.2025**

Paramjeet Singh @ PammiPetitioner

VERSUS

State of PunjabRespondent

CORAM HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present Mr.Vivek K. Thakur, Advocate, for the petitioner.

Mr.Amit Rana, Sr.DAG,Punjab and
Mr.Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J (ORAL)

1. Petitioner is seeking the concession of bail under Section 483 of the BNSS, 2023 for grant of bail to the petitioner in case FIR No.27 dated 17.04.2023, registered under Sections 15 of NDPS Act and Section 18 of NDPS Act (added later on), registered at Police Station Kheri Gandian, Tehsil Rajpura and District Patiala.

2. Learned counsel for the petitioner submits that the petitioner, who is 59 years of old man, has been in custody since 17.04.2023; false recovery of 70 kgs of poppy husk has been planted upon the petitioner. Learned counsel has further contended that after the petitioner was arrested on 17.04.2023, challan was presented on 18.09.2023, however, till date only one prosecution witness out of eleven had been examined, hence, the possibility of the trial concluding in the near future did not arise. Learned counsel has, therefore, prayed for extending the concession of bail to the petitioner.



3. On a specific query put to the learned counsel as to whether the petitioner has any previous criminal antecedents, learned counsel has fairly conceded that the petitioner has previously been booked for two cases under the NDPS Act – in one case he was convicted for 28 days as the recovery in that case was of 2 kgs of poppy husk; in the second case registered against the petitioner, no recovery of any contraband was effected from the petitioner and the petitioner had been nominated as an accused on the basis of the disclosure statement. It has been contended by the learned counsel that the petitioner be put to any stringent conditions while being extended the concession of bail.

4. *Per contra*, while opposing the prayer and submissions made by the learned counsel for the petitioner, learned State counsel, on instructions from ASI Jaswinder Pal has not disputed the custody period of the petitioner nor has he disputed the stage of trial. It has been submitted by the learned State counsel that the petitioner was nabbed on suspicion leading to the recovery of two bags containing poppy husk from the rear seat of the car in which he was traveling. It has still further been submitted by the learned State counsel that no doubt the recovery effected was just marginal higher than the minimum classified as commercial under the Act, however, the fact remains that 70 kgs of poppy husk falls within the commercial quantity. On further instructions, it has been submitted by the learned State counsel that the next date fixed before the trial Court is 30.04.2025 when some of the remaining 10 prosecution witnesses are likely to be examined.

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



6. The petitioner has been in custody since 17.04.2023. The recovery allegedly effected from the petitioner is just marginal higher than the minimum classified as commercial under the Act. The trial is unlikely to conclude in the near future as it is evident that it is progressing at a snail’s pace with the case being adjourned repeatedly on account of the irregular appearance of the prosecution witnesses, who in the present case are all police officials. The petitioner cannot be therefore made to suffer incarceration on account of the lackadaisical approach and conduct of the prosecution witnesses as it amounts to compromising with his constitutional right to a speedy trial.

7. In the facts and circumstances as enumerated hereinabove, this Court deems it appropriate to allow the instant petition.

8. Accordingly, the instant petition is allowed. Petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, learned trial Court/Duty Magistrate/Special Judge may put any stringent condition as it deems fit while admitting the petitioner to bail.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

10. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

29.04.2025
mamta

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No