



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

219

CRM-M-8815-2025

Date of decision: 21<sup>st</sup> November, 2025

Paramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 326 dated 13.10.2023 registered under Sections 21-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') and 34 of IPC at Police Station City Kapurthala, District Kapurthala.

2. As per the allegations, on 13.10.2023, on the basis of a secret information, the petitioner and his father Chunni Shah were apprehended and 270 grams of heroin was recovered from conscious possession of the petitioner which was taken into possession. The petitioner and co-accused were formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 13.10.2023. The



trial will take considerable time to conclude as only three witnesses have been examined so far. He is a physically challenged person as his right leg has been amputated and therefore, there are no chance of his committing the subject offences. His involvement in other case cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

4. *Per contra*, learned State counsel has argued that keeping in view the criminal antecedents of the petitioner and the nature of the allegations as levelled against him in this case and further the fact that rigors of Section 37 of NDPS Act are attracted in this case, the petitioner does not deserve to be extended benefit of bail.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner is in custody for a period of more than two years, one month and eight days. There is no substantial progress in the trial. There is nothing on record to show that delay in trial is on account of any act or conduct of the petitioner. It is well settled that the right to a speedy and expeditious trial is a vital safeguard to prevent undue and oppressive incarceration; to mitigate anxiety and concerned accompanying the accusation as well as to curtail any impairment in the ability of accused to defend himself. In ***Kulwinder Singh Vs. State of Haryana, 2025: PHHC: 002695***, this Court while relying upon a catena of judgments passed by Hon'ble Apex Court had observed that where the trial has failed to conclude within a reasonable time, resulting in prolonged incarceration, it militates against the precious fundamental right of life and liberty guaranteed under



the law and as such, the conditional opportunity overriding the statutory embargo created under Section 37 of the NDPS Act ought to be considered as per the facts of the given case. In other words, grant of bail in a case pertaining on account of undue delay in trial, cannot be fettered by Section 37 of the NDPS Act. Suffice to say, further detention of the petitioner as an under trial is not warranted in the facts and circumstances of the case. It is also well settled that pre-trial incarceration should not be replica to the post trial sentences. In view of the above, the present petition is allowed and the petitioner is ordered to be released on regular bail, subject to his furnishing personal and surety bonds, including two sureties, to the satisfaction of the learned Trial Court/Illaqa Magistrate/CJM concerned.

7. However, in addition to the conditions to be imposed by the learned trial Court/Duty Magistrate/Chief Judicial Magistrate, the release of the petitioner shall also be subject to the following conditions :-

- (i) the petitioner shall not misuse the liberty granted;
- (ii) the petitioner shall not absent himself on any date before the trial Court;
- (iii) the petitioner shall not commit any offence while on bail.
- (iv) the petitioner shall give his cell phone number to the Investigating Officer/SHO of the concerned police station and shall not change the same without prior permission to the trial court.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by the concerned trial Court/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the



State/complainant shall be at liberty to move an application for cancellation of bail of the petitioner.

9. It is clarified that the observations made above shall not be construed as an expression of opinion of this Court on the merits of the case and shall not influence the outcome of the trial in any manner.

10. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]  
JUDGE

21<sup>st</sup> November, 2025

Parveen Sharma

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |