



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CRM-M-38060-2025
Date of decision: 24.07.2025

Paramjit Singh @ Prince Billa
.....Petitioner
Versus
State of Punjab
.....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Jasmeet Singh Bedi, Advocate
with Mr. Kabir Singh Bedi, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this 2nd petition (wrongly mentioned as 1st petition) filed under Section 483 of the BNSS, 2023 (erstwhile Section 439 of Cr.P.C.), is for grant of regular bail to the petitioner in FIR No.0019 dated 12.03.2024 registered under Sections 21/25/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short ‘the NDPS Act’) at Police Station State Special Operation Cell, Amritsar. The 1st petition filed by the petitioner seeking the same relief was dismissed as withdrawn on 27.09.2024.

1.1. Learned counsel for the petitioner submits that inadvertently the fact that this is the 2nd petition has not been reflected in the headnote of the instant petition and the instant 2nd petition has been filed, seeking regular bail to the petitioner, on account of delay in



conclusion of trial in spite of passing of 10 months from the withdrawal of the 1st petition.

2. As per the prosecution case, on 12.03.2024, Inspector Amandeep Singh along with his team was present at Bus Stand Bhikhiwind, Tarn Taran for a secret operation when a special informer disclosed that Bhagwant Singh, Resham Singh, Sukhwinder Singh, and Prince Billa were involved in large-scale heroin smuggling in connivance with Pakistan-based smugglers. The informer further disclosed that Bhagwant, Resham, and Sukhwinder were arriving that day on a black Splendor motorcycle bearing registration No.PB46-G-6082 to deliver heroin in Tarn Taran. Believing the information to be credible, the Inspector sent a rukka in writing for registration of a case under Sections 21, 25, and 29 of the NDPS Act and proceeded with his team to apprehend the accused persons and seize the contraband.

3. Learned counsel for the petitioner *inter alia* contends that the FIR (supra) has been registered on the basis of a secret information and on the basis of the said secret information, three persons were apprehended and 500 grams of heroin was recovered from them. There is no evidence available on record, except the disclosure statement of the co-accused, to connect the petitioner with the alleged contraband. During the custodial interrogation, one of the co-accused Bhagwant Singh made a disclosure statement that they were going to deliver the recovered contraband to the present petitioner, who has agreed to deliver the same to some other person. Apart from the disclosure



statement of the co-accused, there is no other evidence to connect the petitioner in any manner either with the co-accused or with the alleged recovery. Further, it would be a moot point to be decided during the course of trial, whether the alleged offences, in the absence of any material pointing towards the conscious possession of the petitioner, are made out or not.

4. Learned counsel for the petitioner further submits that the petitioner has suffered the incarceration of 01 year, 04 months and 05 days and there are total 19 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 complicity of the petitioner is duly established and the contraband which was recovered from the co-accused was supposed to be delivered to the petitioner and the petitioner is also involved in two more cases, however, he could not controvert the fact that the petitioner has nominated in the FIR (supra) on the basis of disclosure statement made by co-accused.

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, 04 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 19 prosecution witnesses, no PW has been examined so far.

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. Further keeping in view the law laid down by the Hon’ble Supreme Court of India in “*Prabhakar Tewari vs. State of U.P. and another*” 2020 (1) R.C.R. (Criminal 831) and “*Maulana Mohd. Amir Rashadi vs. State of U.P. and another*”, 2012 (2) SCC 382, the involvement of the petitioner in other cases would not be a ground to refuse grant of concession of regular bail.

10. In view of the above discussions, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Paramjit Singh @ Prince Billa 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

24.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No