



CRM-M-44136-2025

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**242 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-44136-2025****Date of decision :17.09.2025****Kamal @ Kamaljeet Kaur****.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. Kanwaljeet S. Brar, Advocate
Mr. P.K.S. Phoolka, Advocate and
Mr. Amrinder S. Dhillon, Advocate for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.52 dated 03.05.2023, under Sections 22, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 29 of NDPS Act, and Section 201 of IPC (added lateron) registered at Police Station Sadar Jalalabad, District Fazilka, Punjab.
2. Succinctly the facts of the case are that on 03.05.2023, the police party was on patrolling. When the police party going from village Sohna Sadar via Canal to Ladhu Wala Hithar, they saw a motorcycle coming, which was being driven by a Hindu gentleman. On seeing the police party, he got perplexed and tried to reverse the motorcycle, however he slipped on the kacha passage and fell down. One transparent polythene bag being carried by him also fell down. The police party apprehend that person, who on asking, disclosed his name as Paramjeet Singh @ Pamma. He was suspected to be carrying some intoxicant in the polythene bag which had fallen. Thus, the search of polythene bag was



conducted and on conducting the search, 720 intoxicant tablets were recovered. He failed to produce any licence regarding the conscious possession of the same and thus, FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, GD No.42, dated 16.05.2023 was recorded. The accused, Pardeep Kumar @ Pappi, who was lodged in the police station on police remand, was interrogated and he suffered a statement that he purchased the intoxicant tablets in heavy quantity from Kamal @ Kamaljeet Kaur, i.e. the petitioner and thus, she was also arrayed as an accused and resultantly, she was arrested on 05.05.2025. The petitioner approached the learned Judge, Special Court, Fazilka for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 30.06.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

2. It has been contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in this case. He submits that as per the case of the prosecution the recovery of 720 intoxicant tablets were effected from Paramjeet Singh @ Pamma on 03.05.2023 and on his disclosure, Ramesh Kumar @ Meshi, was arrayed as an accused. He further submits that thereafter, GD No.42, dated 16.05.2023 was recorded and thus, accused, Pardeep Kumar @ Pappi, was also arrayed as an accused on the disclosure statement of Ramesh Kumar @ Meshi in the present case, on whose second disclosure statement made on 13.05.2023, complicity of the petitioner surfaced in the present case. It is submitted that the petitioner was never aware about the pendency of the present case and when she came to know about the present case, she approached this Court by way of filing CRM-M-18810-2025 praying for



grant of anticipatory bail and the same was declined by this Court vide order dated 04.04.2025. Thereafter, the petitioner surrendered on 05.05.2025 and since then she is behind bars. He submits that it is evident from the case of the prosecution that the petitioner had been arrayed as an accused on the basis of disclosure statement of the co-accused which was recorded way back in 2023, however, the petitioner has now been arrested after 02 years of the same. To buttress his arguments, he has submitted that even otherwise, the disclosure statement is not even an admissible evidence. He further submits that the co-accused i.e. Paramjeet Singh @ Pamma from whom the recovery was effected, has already been granted bail by this Court vide order dated 12.03.2024 passed in CRM-M-53972-2023. Besides this, other co-accused, namely, Pardeep Kumar @ Pappi, Krishan Singh, Satpal Singh and Ramesh Kumar @ Meshi, are also on regular bail. He has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. She has submitted that 720 intoxicant tablets were recovered from co-accused, namely, Paramjeet @ Pamma and thereafter 1,00,000 tablets containing Tramadol Hydrochloride and 12000 tablets containing Alprazolam, were recovered from co-accused, namely, Rajinder Singh @ Kala, which falls under the commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. She submits that the petitioner was arrested on 05.05.2025. On instructions, she has submitted that out of total 18 prosecution witnesses, only 01 witness has been examined. She has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it



is deciphered that the petitioner in the present case was arrayed as an accused on the basis of second disclosure statement of the co-accused. Though she was arrayed as an accused on 13.05.2023, she has been taken into custody on 05.05.2025. As submitted, out of total 18 prosecution witnesses, only 01 witness has been examined so far. As per custody certificate, the petitioner has suffered an incarceration of 4 months and 08 days as on 16.09.2025. It further reflects that the petitioner has no criminal antecedents.

6 In view of the facts and circumstances of the present case, this Court cannot ignore the fact that the speedy trial is the fundamental right of every accused. As held by the Hon'ble Supreme Court in **Mohd Muslim @ Hussain Vs. State (NCT of Delhi), 2023 LiveLaw(SC)260**, this Court is of the opinion that the case of the petitioner is covered by the ratio of law laid down by the Hon'ble Supreme Court. In the abovesaid case Hon'ble Supreme Court expressed its views as under:-

19. A plain and literal interpretation of the conditions under Section 37 (i.e., that Court should be satisfied that the accused is not guilty and would not commit any offence) would effectively exclude grant of bail altogether, resulting in punitive detention and unsanctioned preventive detention as well. Therefore, the only manner in which such special conditions as enacted under Section 37 can be considered within constitutional parameters is where the court is reasonably satisfied on a prima facie look at the material on record (whenever the bail application is made) that the accused is not guilty. Any other interpretation, would result in complete denial of the bail to a person accused of offences such as those enacted under Section 37 of the NDPS Act.

20. xxxxx

21.it would be important to reflect that laws which impose stringent conditions for grant of bail, may be



necessary in public interest; yet, if trials are not concluded in time, the injustice wrecked on the individual is immeasurable.

22. xxxxx

23. *There is a further danger of the prisoner turning to crime, “as crime not only turns admirable, but the more professional the crime, more honour is paid to the criminal”²² (also see Donald Clemmer’s ‘The Prison Community’ published in 1940²³). Incarceration has further deleterious effects - where the accused belongs to the weakest economic strata: immediate loss of livelihood, and in several cases, scattering of families as well as loss of family bonds and alienation from society. The courts therefore, have to be sensitive to these aspects (because in the event of an acquittal, the loss to the accused is irreparable), and ensure that trials – especially in cases, where special laws enact stringent provisions, are taken up and concluded speedily.*

7. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

8. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

(RAJESH BHARDWAJ)
JUDGE

17.09.2025

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