



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

227

CRM-M-42829-2025

Date of Decision : 30.10.2025

PARAMJIT KAUR @ PAMMO

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Kunal Choksi, Advocate for
Mr. Jaskamal Singh Grewal, Advocate
for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No. 131 dated 02.06.2025 registered against him, for commission of offences punishable under Sections 22(b) of Narcotic Drugs and Psychotropic Substances, Act 1985 at Police Station Gobindgarh Mandi, District Fatehgarh Sahib, has prayed for grant of bail.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

*On 02.06.2025, based on a chance recovery, police team headed by SI Jaspal Singh seized 600 orange-coloured intoxicating tablets from possession of present Paramjit Kaur @ Pammo (present petitioner), w/o Bhola Singh, Himanshi @ Deepa, w/o Harvinder Kumar and from Sukhwinder Singh @ Soni, s/o Prem Singh. After the statutory formalities were complied with, FIR was registered. As per the report of FSL, salt '**Alprazolam**' was found in the tablets,*



which falls within the ambit of 'Intermediate Quantity'.

On culmination of investigation, challan was prepared and filed in the Court on 01.08.2025.

3. An application for grant of bail was filed by the present petitioner before the learned Special Court, Fatehgarh Sahib, which was dismissed vide order dated 17.07.2025. Aggrieved of the same, present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. The alleged recovery being effected from a transparent polythene bag does not inspire confidence as no prudent person would keep the contraband in the transparent polythene. He further submits that statutory formalities under Sections 41(2) and 50 of NDPS Act were not complied with. Moreover, no independent person was joined as witness to the case proceedings, which creates doubt on the “*genuineness*” of the story set up by prosecution.

Continuing further learned counsel submits that after framing of charge, none out of 10 prosecution witnesses have been examined, thus, likelihood of completion of trial in the near future is quite remote. In this backdrop, further incarceration of petitioner in custody, would not serve any useful purpose and would also be violative of his Fundamental rights guaranteed under Article 21 of the Constitution of India. It has thus been prayed to take lenient view in petitioner's favour, who has been in custody since 02.06.2025, by extending her the concession of bail.

5. Status Report dated 21.08.2025 by way of affidavit of Mr. Gurdeep Singh, Deputy Superintendent of Police, Sub-Division Amloh, District Fatehgarh Sahib, has already been placed on record. Opposing the petition, learned State



Counsel submits that 200 tablets of salt 'Alprazolam' was recovered from the possession of the petitioner, who even otherwise has questionable past antecedents, being involved in one more case of like nature (FIR No.24 dated 28.01.2022, under Section 21(b) of NDPS Act and Section 437 IPC). Thus, as per learned State counsel, if extended the concession of bail, likelihood of petitioner misusing this relief by not appearing in the Court and fleeing from the process of justice, as also indulging in similar offence, is quite high. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and have gone through the documents on record.

7. Recently, Hon'ble Supreme Court in Abhimanue etc. Vs. State of Kerala, (2025(4) RCR (Criminal) 382), held as below:-

“23. Our attention was also invited to the status report filed by the State, to indicate the various criminal antecedents of the appellants. Suffice it to say, however, that such antecedents by themselves cannot constitute a ground for denial of bail. In this context, a useful reference may be made to the decision of a coordinate Bench of this Court in Ayub Khan v. State of Rajasthan, 2024 SCC Online SC 3763 of which one of us (Augustine George Masih, J.) was a member. The relevant paragraph therefrom is extracted below:

10. The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant in such a case. In a given case, the Court may grant default bail. Again, the antecedents of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts,



the Court can grant bail notwithstanding the existence of the antecedents.”

Further, a Co-ordinate Bench of this Court in **Neelkamal Singh Alias Billa Vs. State of Punjab** passed in CRM-M-39765-2024 has held that although an accused may have past criminal antecedents but nonetheless if the incarceration period is long, he is entitled for the concession of bail.

*“Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as is the mandate of the Apex court in “**Hussainara Khatoon and ors (IV) v. Home Secretary, State of Bihar, Patna**”, (1980) 1 SCC 98. Besides this, reference can be drawn upon that pre-conviction period of the under-trials should be as short as possible keeping in view the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence, reasonable apprehension of tampering with the witness or apprehension of threat to the complainant. As far as the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as “**Baljinder Singh alias Rock vs. State of Punjab**” decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the rule of denial of bail on account of pendency of other cases/convictions in all probability would land the petitioner in a situation of denial of concession of bail.”*

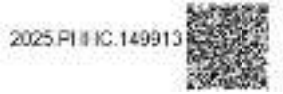
In view of the settled position of law as referred above and submissions advanced by learned counsel for the petitioner, but without commenting further on the merits of the case, the fact that petitioner has been in



custody since 02.06.2025, the recovery allegedly effected from her possession, at the site falls within the '*Intermediate Quantity*', as also taking note of the fact that none out of 10 prosecution witnesses have been examined, further incarceration of petitioner without the prospect of trial being concluded in the near future, would be violative of her rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.*** Moreover, simply because petitioner is involved in another case can also not be a ground to deny the concession of bail to her, in the factual scenario of the case in hand.

Accordingly, petitioner is granted the concession of bail subject to her furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, she is an accused, or for commission of which she is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.*
- (vii) The petitioner shall not in any manner misuse his liberty.*
- (viii) The petitioner shall furnish her address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of*



the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AARADHNA SAWHNEY)
JUDGE

30.10.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No