



CRM-M-44324-2025 (O&M)

1

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-44324-2025 (O&M)****Reserved on : 17.10.2025****Pronounced on : 30.10.2025**

Parminder Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG Punjab.

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 21-B and 27A of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as 'NDPS Act' only, the FIR No.178 dated 02.10.2024 has been lodged in Police Station Chheharta, District Amritsar. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail. This is third petition, filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. Earlier two bail petitions, moved by the petitioner, were dismissed as withdrawn.
2. In nut-shell, the facts emerging from record are that the FIR of this case came into being on a complaint (ruqqa) submitted by SI Jagga

**CRM-M-44324-2025 (O&M)**

2

Singh, who stated that on 01.10.2024, when he was heading a police party comprising of several police officers, a secret information was received that Harpreet Singh @Harry was involved in the sale of drugs, and that on that day, he was in possession of heavy quantity of drugs, and present at Varindawan Garden, Fatehgarh Churian Road, Amritsar in white coloured Swift car bearing registration No.PB03-AP-3901. As per prosecution, in view of abovementioned information, when the raid was conducted, the occupant of the car, namely Harpreet Singh @Harry, was found in possession of 202 gms of heroin.

3. It is the case of the prosecution that during the course of interrogation, accused Harpreet Singh @Harry suffered a disclosure statement, wherein he nominated the petitioner. According to prosecution, once the recovery of contraband took place, necessary formalities with regard to search, seizure, registration of FIR and arrest were undertaken by the above-named Investigating Officer, and thereafter, investigation was initiated.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent, who has been falsely implicated in the present case. As per learned counsel for the petitioner, despite information in advance, no independent witness was joined by the Investigating Officer, and that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than one year. The learned counsel for the petitioner has

**CRM-M-44324-2025 (O&M)**

3

also argued that in the present case, the trial is yet to commence, as the charge against the petitioner has not been framed, and thus, the trial is not likely to be concluded in near future.

6. In addition to above, the learned counsel for the petitioner has also argued that the petitioner was not found in possession of any contraband, and he has been simply nominated by his co-accused, who suffered the disclosure statement when he was already in police custody. According to learned counsel for the petitioner, the quantity of contraband recovered from the possession of the co-accused does not come within the ambit of commercial quantity, and that there is no legally admissible in evidence against the petitioner.

7. *Per contra*, the learned State Counsel has argued that there is direct nexus between the commission of offence and the petitioner, as his co-accused has nominated him. According to learned State Counsel, the quantity of contraband recovered in the present case although does not come within the ambit of commercial quantity, yet, the abovementioned quantity is a heavy quantity, therefore, the rigors of Section 37 of NDPS Act are attracted in the present case, as the main accused Harpreet Singh @Harry was found in conscious possession of Rs.3,20,000/- drug money also.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before



CRM-M-44324-2025 (O&M)

4

arriving at any decision with regard to present petition for bail. Those factors are: -

- i) that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 01 year;
- ii) that nothing is left to be recovered from the possession of petitioner;
- iii) that the quantity of contraband, recovered from the possession of co-accused, does not fall within the ambit of commercial quantity;
- iv) that no drug money has been recovered from the possession of petitioner;
- v) that the trial in the present case is yet to commence, as despite lapse of one year from the date of custody of petitioner, even the charge has not been framed against him;
- vi) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner may influence the witnesses; and
- viii) that the earlier petitions were not disposed of on merits, and further, the prolonged incarceration of the petitioner, despite the fact that the trial has not yet commenced, constitutes a change in circumstances which renders the present petition maintainable.

10. With regard to the legal aspect involved in the instant case, it is relevant to mention that the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another***", 2018(2) R.C.R. (Criminal)



131, has observed that “a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case”.

11. The principles laid down by the Hon’ble the Supreme Court of India in the case of ‘**Satender Kumar Antil Vs. Central Bureau of Investigation and Another**’, 2022 LiveLaw (SC) 577, are also relevant in this case. In the abovementioned case, it has been observed that “the rate of conviction in criminal cases in India is abysmally low. It appears to us that



this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice”.

12. 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 mandated by Hon’ble Apex court in **“Balwinder Singh versus State of Punjab and Another”**, SLP (Crl.) No.8523/2024.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

14. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on furnishing his personal bonds and surety bonds to the satisfaction of learned trial Court, subject to the following conditions:-

- (i) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.



CRM-M-44324-2025 (O&M)

- (ii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final disposal of the case; and
- (iii) that the petitioner shall not leave India without prior permission of the trial Court.

15. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

OCTOBER 30, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No