

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-48085-2025
Reserved on: 01.10.2025
Pronounced on: 27.10.2025

PARAMBIR SINGH ALIAS BOBBY ...Petitioner

Versus

STATE OF PUNJAB ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Ruhani Chadha, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, D.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
77	08.08.2022	Dhakoli, Distt. SAS Nagar	21/22/29 of NDPS Act, 25 of Arms Act and 473, 120-B, 411, 379 IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. As per paragraph 20 of the bail application and 14 of the reply, the petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	207	14.09.2014	21-61-85 of NPDS Act	Sadar Tarn Taran, Distt. Tarn Taran
2.	43	31.05.2019	452, 336, 506 IPC	Bhikhiwind, Distt. Tarn Taran
3.	44	31.05.2019	323, 324, 341, 506, 148, 149 IPC	Bhikhiwind, Distt. Tarn Taran
4.	77	08.08.2022	25-54-59 of Arms Act	Dhakoli, Distt. SAS Nagar
5.	262	25.12.2023	22, 29-61-85 of NDPS Act	Samrala, Distt. Ludhiana

3. The facts and allegations are taken from paragraphs 3 to 6 of the reply filed by the State, which read as follows:

“3) That initially the FIR no.77, dated 08.08.2022 (Annexure P-1) under sections 21, 22, 29 of NDPS Act, section 25 of Arms Act and sections 473, 120B of IPC (sections 379, 411 added later on) was registered against the accused Harpreet Singh alias Happy. That on 08.08.2022, on the basis of secret information accused Harpreet Singh alias Happy was arrested by the

police party after the recovery of 200 grams of Heroin, Rs.10 lakhs drug money from his Skoda car having fake number plate PB-65-AK 0811 and 1 pistol of 30 bore, one spare magazine and total 10 live cartridges from his personal search. During the investigation of the case accused Harpreet Singh @ Happy suffered a disclosure statement and disclosed that he was in business of Heroin and he taken the supply of the same from the present petitioner Parambir Singh alias Bobby and Rajwinder Singh @ Happy. On the basis of information gathered from accused Harpreet Singh alias Happy, present petitioner along with Rajwinder Singh @ Happy was nominated in the present case.

4) That during investigation of the present case investigating team reached in the residential area of the present petitioner and accused Rajwinder Singh @ Happy in Amritsar, where both of them were apprehended by the police party. After the search of the Maruti Brezza car of the present petitioner, bearing number PB-88-8500, currency notes of Rs.34,15,000/- of different denominations were recovered and the same were taken in the police possession along with the above said car.

5) That during the investigation from the co-accused Rajwinder Singh @ Happy, the amount of Rs.29,12,500/- along with one cash calculation machine was recovered from his car bearing no.PB-Q2-DD-5453, make Honda City. The above said co-accused Rajwinder Singh @ Happy suffered a disclosure statement to the investigating officer and he disclosed that he along with present petitioner (Parambir Singh @ Bobby) and accused Harpreet Singh @ Happy, indulged in smuggling of heroin. He further disclosed that with the drug money, he has purchased the gold ornaments and one Honda City Car and they were indulged in selling the heroin to the big customers and the drug addicts also. After recording his disclosure statement, co-accused Rajwinder Singh @ Happy got recovered the gold ornaments i.e. 01 Gold Karra, 06 Gold bangles, 04 Gold Chains, 01 Gents Ring, 06 Ladies Rings and 01 Silver Chain. The total weight of the gold ornaments was 285.280 Grams and weight of silver chain was 7.11 Gram.

6) That the present petitioner has got recovered 260 Grams of Heroin from a secret box in the cupboard of his house. Apart from it he also got recovered one .32 Bore pistol, 64 cartridges of 32 Bore pistol, 43 cartridges of 315 Bore, 19 cartridges of 12 Bore and 4 cartridges of 32 Bore revolver.”

4. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973.

5. The petitioner's counsel seeks bail on the grounds of prolonged pretrial custody.

6. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

7. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion,

to which the petitioner shall have no objection.

8. The State’s counsel opposes bail and refers to the reply.

REASONING:

9. It shall be relevant to refer to paragraphs 10 to 13 of the reply, which reads as follows:

“A. THE NAME AND TOTAL WEIGHT OF THE DRUG

10) That after the arrest of the present petitioner, 260 Grams of Heroin was recovered from the possession of the petitioner apart from it, the Drug money Rs.34,15,000/- was also recovered from the present petitioner, which he has collected after selling the contraband. As per analysis report of Forensic Science Laboratory Punjab, SAS Nagar, Mohali the Diacetylmorphine (Heroin) was found in Heroin recovered from present petitioner.

B. THE EVIDENCE AGAINST THE PETITIONER

11) That after the arrest of the present petitioner, the amount of Rs.34,15,000/- was recovered from his car bearing no.PB-88-8500. During his police custody, he suffered the disclosure statement and got recovered the 260 Grams of Heroin from a secret box in the cupboard of his house. Apart from it, he also got recovered one .32 Bore pistol, 64 cartridges of 32 Bore pistol, 43 cartridges of 315 Bore, 19 cartridges of 12 Bore and 4 cartridges of 32 Bore revolver. The drug money of Rs. 34,15,000/- was also recovered from the present petitioner after his arrest.

C. EVIDENCE BASED ON WHICH THE PETITIONER WAS ARRAIGNED AS AN ACCUSED

12) That during the investigation of the case accused Harpreet Singh @ Happy suffered a disclosure statement and disclosed that he was in business of Heroine and he taken the supply of the same from the present petitioner Parambir Singh alias Bobby and Rajwinder Singh @ Happy. On the basis of information gathered from accused Harpreet Singh alias Happy, present petitioner along with Rajwinder Singh @ Happy was nominated in the present case.

D. ROLE OF THE PETITIONER

13) That during the investigation of the present case, the present petitioner was nominated on the disclosure statement of co-accused Harpreet Singh @ Happy, who stated that he used to bring the Heroin from the present petitioner and co-accused Rajwinder Singh @ Happy from Amritsar and he used to sell the same in small quantity. The present petitioner was part of the syndicate involved in the business of Narcotics along with other accused namely Rajwinder Singh @ Happy, Harpreet Singh, Pritpal Singh and Rakesh Kumar and they were involved in supplying the Heroin in different parts of the State.”

Substance Name	Heroin/ Chitta/ Smack/ Brown Sugar/ Diacetylmorphine
Quantity detained	260 Gram
Punishable U/s	S.21(c) of NDPS Act, 1985
Quantity type	Commercial
Drug Quantity in % to upper limit of Intermediate	104.00%

Drug's Small & Commercial Qty. suggested by Committee report	
Notification No. & date	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)

<i>Specified as small & Commercial in S.2(viia) & 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1055(E)	10/19/2001
Sr. No.	56	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Heroin	
Other non-proprietary name	*****	
Chemical Name	Diacetylmorphine	
Small Quantity	< 5 Gram	
Commercial Quantity	> 250 Gram	

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Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	S.(xvi)(d) NDPS Act, 1985 (61 of 1985), S.O. 821 (E)	11/14/1985

Sr. No.	2(xvi)(d)
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	*****
Other non-proprietary name	*****
Chemical Name	2(xvi)(d) diacetylmorphine, that is, the alkaloid also known as dia-morphine or heroin and its salts; Explanation.-- For the purposes of clauses (v) (vi), (xv) and (xvi) the percentages in the case of liquid preparations shall be calculated on the basis that a preparation containing one per cent. of a substance means a preparation in which one gram of substance, if solid, or one mililitre of substance, if liquid, is

	contained in every one hundred mililitre of the preparation and so on in proportion for any greater or less percentage: Provided that the Central Government may, having regard to the developments in the field of methods of calculating percentages in liquid preparations prescribed, by rules, any other basis which it may deem appropriate for such calculation.
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10. Dealing in 260 grams of heroin in contravention of the NDPS Act, 1985, constitutes an offense under the following provisions and notifications:
11. The quantity allegedly involved in this case is commercial. Given this, the rigors of S. 37 of the NDPS Act apply in the present case. The petitioner must satisfy the twin conditions set forth by the Legislature under Section 37 of the NDPS Act. Besides this, on petitioner’s disclosure statement one pistol and cartridges were also recovered.
12. As per the custody certificate dated 30.09.2025, the petitioner's custody in this FIR is of 03 years, 01 month and 12 days.
13. The prolonged incarceration, generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such a situation, the conditional liberty must override the statutory embargo created under Section 37(1) (b)(ii) of the NDPS Act¹.
14. The petitioner is entitled to bail because, in somewhat similar cases where the quantity involved was either greater than or close to the amount seized in the current FIR, the Hon’ble Supreme Court has granted bail after prolonged custody, as demonstrated by the following judicial precedent.
15. In Sabat Mehtab Khan v. The State of Maharashtra, decided on 03 Sep 2024, SLP (Crl) 8557-2024, Hon’ble Supreme Court holds,

The petitioner is an accused for the offences punishable under Sections 21(c) and 29 of the of the Narcotic Drugs and Psychotropic Substances Act and allegation is that 275 gms. and 50.01 gms of heroine has been recovered from him. His regular bail application was dismissed by the High Court. He has already undergone about 1 year six months in jail.

Heard learned senior counsel/counsel for the parties.

Considering the quantity of the contraband articles and the period of his incarceration, we are of the opinion that a case of bail is made out for the petitioner.

¹ Supreme Court of India, in Rabi Prakash v. The State of Odisha, SLP (Crl) 4169-2023, Para 4, decided on 13 July 2023

16. In Ramlal v. The State of Rajasthan, decided on 17 Sep 2024, SLP (Crl) 9510-2024, wherein Hon’ble Supreme Court granted bail to a first offender after one year and six months of custody who possessed 450 grams of smack (Heroin), and the holds as follows:

The petitioner and the other accused persons are accused for the offences punishable under Sections 8/21 & 8/29 of the Narcotic Drugs and Psychotropic Substances Act and allegation is that 450 gram of smack has been recovered from them. The bail application of the petitioner was dismissed by the High Court. Hence, he approached this Court. He has already undergone about 1 year and 6 months in jail.

Heard learned counsel for the petitioner. As per office report dated 13.09.2024, the service is deemed complete on the sole respondent-State but no one has appeared for the State.

Considering the period of incarceration of the petitioner and the fact that the petitioner has no criminal antecedents, we are of the opinion that a case of bail is made out for the petitioner.

17. Following the judicial precedent mentioned above, without commenting on the case's merits, and considering the petitioner’s pre-trial custody, the weight of the drugs, absence of criminal antecedents relating to drugs, coupled with the other factors peculiar to this case, further pre-trial incarceration is not justified at this stage.

CONDITIONS:

18. Given the above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above, subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 25,000.

19. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 25,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the “Chief Judicial Magistrate” of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

20. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.

3.	Mobile number (If available)
4.	E-Mail id (If available)

21. This order is subject to the petitioner’s complying with the following terms.

22. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

23. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

24. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No. 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of the Hon’ble Supreme Court held that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

25. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, the Hon’ble Supreme Court holds in Para 7, “It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences.”

26. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

27. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense where the quantity involved is more than half of the intermediate, or commercial, or violates S. 19, 24, or 27-A of the NDPS Act, or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

28. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

29. It is clarified that this bail order shall not be considered as a blanket bail order in any other matter and is only limited to granting bail in the FIR mentioned above.

30. In Amit Rana v. State of Haryana, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

31. **Petition allowed** in terms mentioned above. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.10.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.