



**224 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-6845-2026

Date of decision :04.05.2026

Paramjit Kaur

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Mikhail Kad, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present third petition has been filed for grant of regular bail in case FIR No.24 dated 10.03.2025, under Sections 22/29/61 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 111 of BNS, registered at Police Station Cheema, District Sangrur.

2. Succinctly the facts of the case are that the police party while on patrolling on 10.03.2025, when reached near village Bhagwanpura, saw a person coming, who on seeing the police got perplexed and threw transparent plastic bag, which he was holding in his hand, into the fields of wheat crop. On suspicion, he was apprehended by the Police Party. On asking, he disclosed his name to be Pritpal Singh. He was suspected to be carrying some contraband in the transparent plastic bag thrown by him and thus, search was conducted. On conducting the search, 350 grams of intoxicant powder was recovered from the same. He failed to produce any licence regarding the possession of the same. Thus, the FIR was registered and he was arrested on the spot. On registration of FIR, the investigation commenced. Samples taken were sent to FSL. During investigation, complicity of the petitioner was surfaced who was found to be supplier of



the contraband, thus, she was also arrayed as an accused. Resultantly, the petitioner was arrested on 16.03.2025. The petitioner approached the Court of learned Judge, Special Court, Sangrur praying for the grant of bail. However, after hearing both the sides, finding no merit in the same, the learned Judge, Special Court, Sangrur, dismissed the petition filed by the petitioner vide order dated 16.04.2025. Hence being aggrieved, the petitioner earlier approached this Court by way of filing of CRM-M-25077-2025 and CRM-M-51540-2025, however, the same were dismissed as withdrawn by this Court vide orders dated 29.07.2025 and 27.10.2025, respectively. Hence, the petitioner is before this Court by way of filing the present third petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery of 350 grams of intoxicating powder containing Alprazolam was effected from co-accused Pritpal Singh. He submits that the petitioner has been implicated in the present case only on the basis of disclosure statement of co-accused Pritpal Singh, which is not even an admissible evidence. He submits that after the disclosure statement of the co-accused, 100 grams of intoxicant powder containing Alprazolam, was planted upon the petitioner. It is submitted that even otherwise the alleged recovery of 100 grams Alprazolam effected from the petitioner, is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted in the present case. He submits that the petitioner was earlier falsely implicated in 03 other cases pertaining to non-commercial quantity, in which she is already on bail. He submits that the petitioner is behind bars from last more than 01 year and thus, her false implication is writ large. He thus, submits that in the facts and circumstances of the case,



the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that though recovery of 350 grams of intoxicant powder was effected from co-accused, however, the petitioner was found to be the supplier of the same. He further submits that at the time of arrest of the petitioner, another 100 grams intoxicant powder containing Alprazolam was effected from her and thus, the total recovery effected in the present case comes to 450 grams of intoxicating powder containing Alprazolam which falls under the category of commercial quantity and thus, provisions of Section 37 of NDPS Act, are attracted in the present case. He, on instructions, has submitted that out of total 16 prosecution witnesses, only 01 witness has been examined so far. He has produced the custody certificate of the petitioner on record.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused Pritpal Singh, from whom recovery of 350 grams of intoxicant powder, was effected. Though total recovery effected in the present case is 450 grams of intoxicant powder, however, from the petitioner, 100 grams of intoxicant powder containing Alprazolam, was recovered. As per custody certificate, the petitioner has suffered an incarceration of 01 year, 01 month and 16 days as on 03.05.2026. It further reflects that though the petitioner is involved in 03 more cases, however, she is on bail in those cases. As submitted before this Court, out of total 16 prosecution witnesses, only 01 witness has been examined so far.

6. 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.

7. 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.

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 to the petitioner.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.05.2026
ps-I

(RAJESH BHARDWAJ)
JUDGE

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