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CRM-M-13248-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-13248-2026

Date of decision: 27.04.2026

PARAMJEET KUMAR ALIAS PARAMJIT KUMAR

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Angrej Singh, Advocate for the petitioner.

Ms. Amrit Kaur Mahir, AAG Punjab.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail to the petitioner in case FIR No.23 dated 12.03.2025 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Bhogpur, District Jalandhar.

2. Brief facts of the present case are that as per the prosecution, on 12.03.2025, police party was on patrolling duty and on suspicion, apprehended the petitioner, who was found in conscious possession of 55 Tablets of Etizolam. Hence the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He further contends that mandatory provisions of the NDPS Act were not complied with at the time of alleged search and seizure. He argued that recovery of alleged contraband has already been effected and nothing more is to be recovered from him. The petitioner is in custody since



case. The investigation in the case is complete, challan stands presented, charges have been framed and out of total 12 prosecution witnesses none has been examined till date. He submits that the trial will take a long time to conclude and no useful purpose would be served by keeping the petitioner behind the bars. In support of his arguments, learned counsel for the petitioner has relied upon judgment of Co-ordinate Bench of this Court in the case of '**Baljit Singh @ Mintu @ Baljit Gill Vs. State of Punjab**' passed in CRM-M-15588-2024, decided on 30.08.2024, whereby, it was held that quantity of manufactured drug i.e. Etizolam is not a hard drug like heroin, charas, opium or other synthetic drugs and the petitioner is entitled to bail on the grounds of prolonged custody. Therefore, it is urged that the petition deserves to be allowed.

4. Learned State counsel has filed the status report and custody certificate which are taken on record. She has vehemently opposed the prayer for grant of bail by submitting that the offence committed by the petitioner is serious in nature as he was apprehended at the spot with heavy quantity of alleged contraband, which falls under the commercial quantity. However, she has not controverted the fact that the petitioner is a first time offender and is not involved in any other case.

5. Having heard learned counsel for the parties at length and after perusing the record of the case it transpires that the recovered contraband was analysed by the FSL and it was found to be containing the salt – Etizolam. While deciding a regular bail petition in a case involving 7.2g of Etizolam, a Co-ordinate bench of this Court in **Baljit Singh @ Mintu @ Baljit Gill vs. State of Punjab in CRM-M-15588 of 2024** decided on 30.08.2024, has



“26. Even in the present case, the quantity of a manufactured drug i.e. Etizolam tablets and it is not a hard drug like heroin, charas, opium or other synthetic drugs, thus petitioner is entitled to bail given the ratio of Chitra Basu’s case(supra).”

6. Adverting to the facts of the present case, it is evident that the petitioner is in custody for the last more than 01 year; 01 month; investigation is complete; challan stands presented; charges have been framed, out of total 12 prosecution witnesses none has been examined till date and the fact that trial may take a long time to conclude, no useful purpose would be served by detaining him in further custody. His continued detention without the prospect of the trial being concluded in the near future would be violative of his rights under Article 21 of the Constitution of India.

7. Reliance is placed upon a judgment in the case of ***Dataram Singh vs. State of Uttar Pradesh & Anr. 2018(2) R.C.R. (Criminal) 131***, wherein Hon’ble Apex Court has held that keeping somebody behind the bars, till his guilt is proved, for an indefinite period amounts to infringement of his right to life and liberty, as enshrined under Article 21 of Constitution of India and is against the principle “*bail is a rule*” and “*jail is an exception*”.

8. Moreover, prolonged detention of the petitioner, without any likelihood of the trial being concluded in the near future, would amount to a violation of their fundamental rights guaranteed under Article 21 of the Constitution of India. The Hon’ble Supreme Court, in ***Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 AIR SC 1648***, while dealing with an NDPS case, held that the principles of fairness embodied under Article 21 override the statutory restrictions on grant of bail under Section 37 of the



"20. The standard to be considered therefore, is one, where the court would look at the material in a broad manner, and reasonably see whether the accused's guilt may be proved. The judgments of this court have, therefore, emphasized that the satisfaction which courts are expected to record, i.e., that the accused may not be guilty, is only prima facie, based on a reasonable reading, which does not call for meticulous examination of the materials collected during investigation (as held in Union of India v. Rattan Malik). Grant of bail on ground of undue delay in trial, cannot be said to be fettered by Section 37 of the Act, given the imperative of Section 436A which is applicable to offences under the NDPS Act too (ref. Satender Kumar Antil supra). Having regard to these factors the court is of the opinion that in the facts of this case, the appellant deserves to be enlarged on bail.

21. Before parting, 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 . Jails are overcrowded and their living conditions, more often than not, appalling."

9. In view of the above, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

(RUPINDERJIT CHAHAL)
JUDGE

27.04.2026
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No