



227

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

CRM-M-25591-2025

Date of decision : 14.01.2026

Paramjit Singh @ Pamma

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Charanpreet Singh, 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.119 dated 16.07.2024, under Sections 21/22 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Garhshankar, District Hoshiarpur.

2. Succinctly the facts of the case are that the Police party while on patrolling on 16.07.2024, while they were going towards village Dagham Chahalpur, saw a person coming on activa who had tied a black coloured cloth on his head. On seeing the police, he got perplexed and suddenly turned back his activa. He threw the black coloured bag hanging on the left handle of his activa on the road. However, the police party nabbed him. On asking, he disclosed his name to be Paramjit Singh @ Pamma. He was suspected to be carrying some contraband in the bag being thrown by him and thus, search of the same was conducted. On conducting the search, 50 grams of heroin and 135 intoxicant tablets mark Etizolam were recovered from the same. He failed to produce any license



regarding possession of the same and thus, the FIR was registered and he was arrested on spot. The investigation commenced. Samples taken were sent to the FSL. On receipt of FSL report, challan was presented, charges were framed and on framing of charges, trial commenced. The petitioner approached the Learned Judge, Special Court, Hoshiarpur praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Hoshiarpur vide order dated 31.08.2024. Aggrieved by the same, the petitioner earlier approached twice this Court by way of filing of CRM-M-48386-2024 and CRM-M-64013-2024, however, the same were declined by this Court vide orders dated 01.10.2024 and 04.03.2025, respectively. Hence, petitioner is before this Court by way of filing of present third petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that there is blatant violation of provisions of Section 50 of NDPS Act in conducting the search. He submits that the petitioner has been implicated in other FIRs and it is because of the same, he has been falsely implicated in the present case. He submits that the petitioner is behind bars from last about 1 ½ years, however, there is no progress in the trial and his right of speedy trial is defeated. 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 the petitioner was arrested on spot and 135 intoxicant tablets of mark



Etizolam were recovered from the petitioner, weighing 15.5 grams, which is a 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 09 prosecution witnesses, none 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 recovery in the present case has been effected from a public place. The recovery effected from the petitioner is of 135 intoxicant tablets, weighing 15.5 grams of Etizolam, which is a commercial quantity. As per custody certificate, the petitioner has suffered incarceration of 01 year, 05 months and 25 days as on 13.01.2026. Though the petitioner is involved in 02 more case, out of which in one case, he has undergone the sentence. As submitted before this Court, out of total 09 prosecution witnesses, none has been examined till date.

6. 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.*

7. 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. 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.

8. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his 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.

9. In case the bail bonds are not furnished by the petitioner during the period of 07 days from today, then his further custody period after one week will not be counted in the present case.

14.01.2026
ps-I

Whether speaking/reasoned

Whether reportable

:

:

(RAJESH BHARDWAJ)

JUDGE

Yes/No

Yes/No