



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

220

CRM-M-58572-2025 (O&M)

Date of decision : 28.01.2026

Paramjit Singh @Pamma

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Gurinder Singh Goraya, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (oral)

For the commission of offence punishable under Sections 15 and 29 of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', the FIR No.91 dated 17.07.2025 has been lodged in Police Station IT City, District SAS Nagar (Mohali). 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.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of 'SI Iqbal Mohammad', who had reported that on 17.07.2025, when he was heading a police party deputed for patrolling duty, a reliable source gave him a tip-off that Iqbal Singh @Jaggu along with his accomplices Jarnail Singh and Paramjit Singh, both resident of Village Sekhan Majra, was involved in the trading of poppy husk, and



that in the house of Jarnail Singh and Paramjit Singh (who are real brothers) huge quantity of poppy husk had been stored. The spot where the poppy husk was stored was also disclosed by the informer, i.e. the room being used for storing fodder for the cattles. According to above-named police officer, the moment he got the above-mentioned information, he sent an information memo to the police station, and thereafter raided the house of petitioner and his brother Jarnail Singh. As per above-named police official, from the house of petitioner and his brother Jarnail Singh, 135 kg and 480 gm of poppy husk was recovered.

3. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up.

4. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

5. Heard.

6. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus, whatsoever, with the commission of crime, and that without any legal basis, he has been implicated in the present case. According to learned counsel for the petitioner, although the petitioner and co-accused Jarnail Singh are real brothers, but they live in separate portions. As per learned counsel for the petitioner, in order to establish the abovementioned fact the Ration Card of the petitioner is the most relevant



document, wherein it has been recorded that co-accused Jarnail Singh is residing separately.

7. The learned counsel for the petitioner has also contended that the petitioner has clean antecedents, and that being a Panch of the village, he is a respectable member of the society. In addition to above, the learned counsel for the petitioner has also contended that even the Panchayat of the Village has issued a certificate showing that petitioner and his brother Jarnail Singh are living separately.

8. The learned State Counsel has controverted the abovementioned arguments. According to learned State Counsel, reply in the present petition has been filed by way of affidavit of Harsimran Singh Bal, Deputy Superintendent of Police (IT City), SAS Nagar (Mohali), and that in the abovementioned reply, there is specific averment on oath, by a Gazetted Officer, that the petitioner and his brother Jarnail Singh are having a joint abode. As per learned State Counsel, the contraband recovered from the possession of petitioner comes within the ambit of 'commercial quantity', and therefore, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner cannot be enlarged on bail.

9. The record has been perused carefully.

10. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision: -

- i) that the recovered contraband from the possession of petitioner comes within the ambit of commercial quantity, and therefore,



without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for the benefit of bail;

- ii) that the allegations against the petitioner are quite specific, categorical and direct for being in conscious possession of contraband;
- iii) that in the present case, the prosecution has come forward with a specific and categorical allegation that at the time of raid, the petitioner was residing in a joint house with co-accused Jarnail Singh;
- iv) that the present case does not come within a category of case, wherein it can be observed that due to prolonged incarceration, the petitioner is entitled for bail. The record shows that the total custody period of petitioner is less than 05 and a half months;
- v) that there is nothing on record to show that the twin conditions enshrined under Section-37 of NDPS Act stands satisfied in this case.

11. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.

12. Accordingly, the present petition is hereby ***dismissed***.

13. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

28.01.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No