



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

251

CRM-M-63039-2025

PARAMJIT KAUR

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CRM-M-69183-2025

GURJANT SINGH ALIAS PARAS

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

Decided on : 06.02.2026

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Vipul Jindal, Advocate,
for the petitioner (in CRM-M-63039-2025), and
Mr. Karan Jund, Advocate,
for the petitioner (in CRM-M-69183-2025).

Mr. R.S. Lekhi, AAG, Punjab.

SANJAY VASHISTH, J.

1. By this common order, both the aforementioned petitions, i.e. CRM-M-63039-2025 and CRM-M-69183-2025, shall stand disposed of.
2. Present petitions have been filed by the petitioners, seeking grant of regular bail, in case, FIR No.285, dated 15.09.2023, under Sections 21(c), 25, 29 of NDPS Act, registered at Police Station STF, District SAS Nagar (Mohali).



3. Counsel for the petitioners submits that petitioner – Gurjant Singh alias Paras is the nephew of the petitioner – Paramjit Kaur. Both the petitioners were travelling together on an Aactiva scooter, bearing registration No.PB-02-DH-8325, when they were intercepted by the police party. It is alleged that, after following the prescribed procedure, police effected a recovery of one kilogram of heroin from the dickey of the scooter. At the relevant time, the scooter was being driven by petitioner – Gurjant Singh alias Paras; however, the ownership of the said scooter stood registered in the name of Fakir Singh son of Bhagat Singh, who was the father-in-law of one of the petitioner.

4. Learned counsel for the petitioners argues that the case has been falsely foisted upon them, as none of the petitioners has any previous criminal antecedents or prior involvement in offences under the NDPS Act. It is further submitted that Fakir Singh, in whose name the scooter was registered, had already expired in the year 2022. Therefore, a crucial question to be adjudicated during trial would be whether the petitioners, who were apprehended while riding the Aactiva scooter, had any knowledge or were in conscious possession of the alleged contraband weighing one kilogram.

5. Counsel for petitioner-Paramjit Kaur further submits that she is a woman aged about 49 years and is the mother of a minor child aged about 15 years, whose care and welfare require her presence.

It is also submitted that both the petitioners have remained in judicial custody for a period of more than two years and four months.



6. Additionally, learned counsel contends that delay in the conclusion of the trial is entirely attributable to the prosecution. The last prosecution witness, PW-10, was examined on 20.05.2025, and thereafter no witness has appeared. On several dates, i.e. 29.07.2025, 17.09.2025, 04.10.2025, 12.11.2025, and 22.12.2025, no prosecution witness was examined. Even SI Dilbag Singh, a member of the investigating team and a material prosecution witness, failed to appear before the Trial Court, despite issuance of bailable warrants on two occasions.

Although the matter is now fixed for 09.02.2026, for appearance of the said witness, learned counsel submits that petitioners are suffering prolonged incarceration without any fault on their part, solely due to the laxity of the prosecution. Thus, learned counsel for the petitioners jointly pray for grant of regular bail to the petitioners in the present case.

7. In response to the arguments addressed by learned counsel for the petitioners, learned State counsel, produces the custody certificates dated 04.02.2026 in Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioners.

As per the custody certificates, in the present case, petitioner – Paramjit Kaur has already undergone 02 years 04 months and 16 days period inside jail. Similarly, petitioner – Gurjant Singh @ Paras has already undergone 02 years 04 months and 07 days period, inside jail.

8. Learned State counsel has also filed detailed and comprehensive status report dated 04.02.2026 in both the cases, in the



Court today and the same is taken on record. Registry is directed to tag the same at the appropriate place on the file.

9. Learned State counsel submits that evidence collected during the course of investigation has been duly detailed in the status report. It is submitted that WhatsApp chats pertaining to petitioner Paramjit Kaur, using mobile number 94636-48700, and petitioner Gurjant Singh alias Paras, using mobile number 99150-99655, for the period from 13.09.2023 to 15.09.2023, as well as chats exchanged with other co-accused persons, have been forwarded to the Cyber Investigation and Technical Support Unit for the purpose of extraction and analysis.

He further submits that a perusal of the said WhatsApp chats clearly indicates that both the petitioners were actively involved in the business of selling heroin in connivance with other co-accused persons. The details and roles of all the accused have also been specifically mentioned in the status report.

10. It is further contended that there is ample material on record, including technical and scientific evidence, establishing the involvement of the petitioners in the commission of the offence. In view of the gravity of the offence and nature of the evidence collected, petitioners do not deserve the concession of bail. It is further submitted that their release on bail may adversely affect the trial and cause further delay in the proceedings. Thus, he prays for dismissal of both the present petitions.

11. This Court has heard the submissions advanced by learned counsel for the parties and has carefully perused the record available before it.



12. Undoubtedly, certain WhatsApp chats have been appended with the status report filed by learned State counsel. However, despite repeated queries, it has not been clarified as to how, at this stage, the said WhatsApp chats can be treated as binding against the petitioners unless the same are duly proved before the Trial Court through the testimony of the concerned witnesses. Notably, the prosecution witnesses, despite being official witnesses, have consistently avoided appearing before the Court to depose, even after several opportunities were granted. Bailable warrants have also been issued against one of the material prosecution witnesses. Therefore, without expressing any opinion on the evidentiary value of the said WhatsApp chats at this stage, this Court proceeds to examine the other relevant aspects of the matter.

13. A significant factor that weighs in favour of the petitioners is the delay attributable to the prosecution. After 20.05.2025, none of the prosecution witnesses has entered the witness box, despite granting of five effective opportunities. Delay in the trial thus cannot be attributed to the petitioners.

Moreover, petitioner-Paramjit Kaur is a woman. As per Section 480(1) of BNSS, 2023, the Court is empowered to take a lenient view while considering the grant of bail to a woman accused during the pendency of the trial.

The other petitioner, Gurjant Singh alias Paras, is related to petitioner-Paramjit Kaur as her nephew. Whether the petitioners had knowledge, or were in conscious possession of the contraband allegedly recovered from the dicky of the scooter, and whether they were involved



in the alleged trafficking activity along with other co-accused, are matters that fall within the domain of the Trial Court to be adjudicated on the basis of evidence.

It is also not in dispute that both the petitioners have already undergone incarceration for a period exceeding two years and four months, and neither of them has any previous involvement in similar offences.

14. In view of the totality of the circumstances, nature of the allegations, the prolonged incarceration of the petitioners, and the delay in the trial attributable to the prosecution, this Court deems it appropriate to extend the concession of regular bail to both the petitioners in the present case.

Consequently, prayer made in the present petitions is **allowed**. Petitioners namely Paramjit Kaur (in CRM-M-63039-2025) and Gurjant Singh alias Paras (in CRM-M-69183-2025), are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

15. Needless to observe that the petitioners shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

16. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an



independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

17. It is further made clear that if, in future, petitioners are directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

18. Both the petitions stand disposed of.

19. A photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

06.02.2026
Lavisha

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: ~~YES~~/NO