

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CRM-M-63486-2025****Date of decision: 03.02.2026**

Parambir Singh @ Pamma

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Malkiat S Hundal, Advocate for the petitioner.

Mr. Gurdeep Singh, AAG, Punjab.

Mr. Rajiv Sharma, Advocate for respondent No.2-NCB.

AARADHNA SAWHNEY, J (ORAL)

1. Petitioner, an accused in case FIR/NCB Crime No.22 dated 09.08.2025 of offence punishable under Sections 8,21,27-A,29 of NDPS Act, registered at P.S Narcotic Control Bureau, Amritsar (City Tarn Taran), has prayed for grant of regular bail.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

At about 1500 hrs on 08.08.2025, an information was received by Sourabh Meena, Sub Inspector, NCB Amritsar that one Parambir Singh @ Pamma (petitioner) R/o Gali Vassan Singh Wali, Tarn Taran had illegally stored narcotic substance/heroin in his rented premises i.e Sundar Colony, Village Bachhre, Goindwal Road, Tarn Taran. Informant also pointed out that if raid is conducted, aforesaid Parambir Singh @ Pamma can be apprehended red handed while keeping in his illegal possession huge quantity of 'heroin'. After the Senior Authorities were intimated, a raiding team was prepared, which after reaching the disclosed site joined two persons as independent witnesses in the team. Case that has been set up by the prosecution is that 67 grams of heroin was recovered from

the rented premises of the petitioner. Statutory formalities were completed at the



site. Aforementioned case was registered against petitioner, who further disclosed that he had been engaged in trafficking of heroin for last four years for monetary gains and also disclosed the names of persons from whom he used to purchase the contraband as also those of the persons to whom he used to sell the same. Mobile phone numbers of sellers and buyers were also supplied.

Petitioner filed an application for grant of bail before the learned Special Judge, Tarn Taran. Same came to be dismissed vide order dated 23.10.2025, aggrieved of which present petition has been filed.

3. Learned counsel for the petitioner contends that the petitioner, who has been in custody since 09.08.2025, has been falsely implicated. Continuing further, learned counsel submits that for the sake of arguments even if the prosecution version is presumed to be correct, recovery of only 67 grams of heroin (which is of non commercial quantity) was effected from petitioner. No drug money was recovered from him. It is further the submission of learned counsel that the provisions of Section 27-A of NDPS Act have been added just to invoke the rigors of Section 37 of NDPS Act. In fact, relying totally upon his (P) disclosure statement, the Investigating agencies sought information from Branch Manager, HDFC Bank, Tarn Taran with regard to alleged suspicious bank transaction in his (P) account, but could not lay hand on any incriminating material. Their plea that response of Bank officials is still awaited is clever ploy adopted to ensure that petitioner remains in custody. Till now, there is nothing on record to suggest that petitioner was habitual of indulging in sale and purchase of heroin. It has further been prayed that keeping in view the alleged recovery of contraband (being of non-commercial quantity), the fact that investigation qua the petitioner is complete, his further incarceration would not serve any useful purpose. Learned counsel places reliance upon the judgment of Hon'ble Supreme Court in **Maulana Mohd Amir Rashadi vs. State of UP and another, 2012(1)**

RCR (Criminal) 586 to contend that the facts and circumstances of the present



case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other cases.

4. *Per contra*, Mr. Rajiv Sharma, Advocate appearing for respondent No.2-NCB while opposing the present petition contends that the allegations leveled against the petitioner, who is engaged in the illegal business of selling and buying “heroin”, are serious in nature. Even his past antecedents are far from satisfactory, being involved in another case of like nature, no lenient view deserves to be taken in his favour, for, if extended the concession of bail, chances of him committing the same offence yet again and fleeing from the process of justice are quite high. Dismissal of the petition is prayed for.

5. I have heard learned counsel for the parties and perused the documents with their able assistance.

6. Petitioner was arrested on 09.08.2025 and has been in custody since then. Investigations qua him are complete. It is also not disputed that contraband recovered from petitioner is 67 grams of heroin (which is non-commercial quantity). No drug money was recovered from him. Though as per prosecution, certain suspicious entries were noticed in the bank accounts of the petitioner but till date, no document to substantiate the abovesaid plea has been placed on record. Rival contentions raised by both the learned counsel give rise to certain debatable issues, which would be adjudicated upon during the course of the trial. Any observation by this Court might prejudice the trial. Further nothing has been brought on record from where an inference can be drawn that if extended the concession of bail, petitioner would abscond or flee from the process of justice or interfere/tamper with the prosecution evidence. In the factual scenario of the case in hand, the Court is of the opinion that fetters of Section 37 of NDPS Act have been met with so as to enlarge the petitioner on bail.

In Jaswinder Singh @ Kalla vs. State of Punjab (CRM-M-33729-



2025), it was held as under:

“14. As a sequitur to above-said rumination, the following postulates emerge:

(I) (i) A bail plea on merits; in respect of an FIR under NDPS Act of 1985 involving offence(s) under Section 19 or Section 24 or Section 27-A thereof and for offence(s) involving commercial quantity; is essentially required to meet with the rigour(s) of Section 37 of NDPS Act.

(ii) The rigour(s) of Section 37 of NDPS Act do not apply to a bail plea(s) on medical ground(s), interim bail on account of any exigency including the reason of demise of a close family relative etc.

(iii) The rigour(s) of Section 37 of NDPS Act pale into oblivion when bail is sought for on account of long incarceration in view of Article 21 of the Constitution of India i.e. where the bail-applicant has suffered long under-trial custody, the trial is procrastinating and folly thereof is not attributable to such bail-applicant.

II. The twin conditions contained in Section 37(1)(b) of NDPS Act are in addition to the conditions/parameters contained in Cr.P.C./BNSS or any other applicable extant law.

III. The twin conditions contained in Section 37(1)(b) of NDPS Act are cumulative in nature and not alternative i.e. both the conditions are required to be satisfied for a bail-plea to be successful.

IV. For consideration by bail Court of the condition stipulated in Section 37(1)(b)(i) of NDPS Act i.e. “there are reasonable grounds for believing that he is not guilty of such offence”:

(i) The bail Court ought to sift through all relevant material, including case-dairy, exclusively for the limited purpose of adjudicating such bail plea.

(ii) Such consideration, concerning the assessment of guilt or innocence, should not mirror the same degree of scrutiny required for an acquittal of the accused at the final adjudication & culmination of trial.

(iii) Plea(s) of defence by applicant-accused, if any, including material/documents in support thereof, may be looked into by the bail-Court while adjudicating such bail plea.

V. For consideration of the condition stipulated in Section 37(1)(b)(ii) i.e. ‘he is not likely to commit any offence while on bail’:

(i) The word ‘likely’ ought to be interpreted as requiring a



demonstrable and substantial probability of reoffending by the bail-applicant, rather than a mere theoretical one, as no Court can predict future conduct of the bail-applicant.

(ii) The entire factual matrix of a given case including the antecedents of the bail-applicant, role ascribed to him, and the nature of offence are required to be delved into. However, the involvement of bail-applicant in another NDPS/other offence cannot ipso facto result in the conclusion of his propensity for committing offence in the future.

(iii) The bail-Court may, at the time of granting bail, impose upon the applicant-accused a condition that he would submit, at such regular time period/interval as may stipulated by the Court granting bail, an affidavit before concerned Special Judge of NDPS Court/Illaq (Jurisdictional) Judicial Magistrate/concerned Police Station, to the effect that he has not been involved in commission of any offence after being released on bail. In the facts of a given case, imposition of such condition may be considered to be sufficient for satisfaction of condition enumerated in Section 37(1)(b)(ii).

VI. There is no gainsaying that the nature, mode and extent of exercise of power by a Court; while satisfying itself regarding the conditions stipulated in Section 37 of NDPS Act; shall depend upon the judicial discretion exercised by such Court in the facts and circumstances of a given case. No exhaustive guidelines can possibly be laid down as to what would constitute parameters for satisfaction of requirement under Section 37 (ibid) as every case has its own unique facts/circumstances. Making such an attempt is nothing but a utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such matter.”

The evidentiary value of the testimonies and other evidence will be seen by the learned trial Court during the course of the trial in accordance with established principles of law. However, while adjudicating a plea for regular bail, this Court cannot remain oblivious to the circumstances under which the petitioner has been arraigned or implicated, including the nature of the allegations, the evidence linking the petitioner to the offence as well as the specific role attributed to the petitioner in the commission of the alleged offence. Mere presence of past



the bail.

7. When appreciated in the light of the facts that have been brought on record, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of “Bail is a general rule and incarceration is an exception” as held by Hon’ble Supreme Court in **Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.**

In the light of aforesaid discussion, this Court is of the opinion that further incarceration of petitioner would not serve any useful purpose. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number to the



the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

03.02.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No