

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-24505-2026
Decided on : 20.07.2026

PARDEEP SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sagar Sharma, Advocate,
for the petitioner.

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

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Pardeep Singh, aged about 30 years	70	24.04.2025	21(c) and 25 of NDPS Act (section 25 of NDPS Act has been deleted, vide GD No.18 dated 16.10.2025)	Lopoke	Amritsar



2. As per the case of prosecution, on 24.04.2025, at about 7:50 p.m., police party headed by SI Gopal Singh received secret information to the effect that Pardeep Singh (present petitioner), who was allegedly engaged in the sale of heroin procured from Pakistan in nearby villages, would be travelling from the Lopoke side, in a car, bearing registration No. PB-46U-3286. Acting upon the said information, police laid a *naka* by erecting barricades. At about 8:50 p.m., the said vehicle was intercepted, and petitioner, who was driving the same, was apprehended. Upon search of the vehicle, 1.335 kilograms of heroin, allegedly concealed in a polythene bag kept inside the dashboard of the car, was recovered.

3. Learned counsel for the petitioner submits that petitioner, aged about 30 years, has no criminal antecedents and has never been involved in any offence under the NDPS Act or any other similar offence. It is further submitted that petitioner is in judicial custody since 24.04.2025, i.e. for a period of about one year and three months. Out of total 15 prosecution witnesses, only 02 have been examined till date, and, therefore, trial is progressing at a slow pace.

4. Learned counsel further contends that there are serious deficiencies in the prosecution case, i.e.

(i) vehicle from which the alleged recovery was effected does not belong to the petitioner, and no investigation has been conducted to ascertain the capacity or circumstances in which petitioner came to be driving the said vehicle.



(ii) secret information was received by SI Gopal Singh himself, who also conducted search and recovery after summoning a Deputy Superintendent of Police (Gazetted Officer), to the spot.

Thus, learned counsel prays for grant of regular bail to the petitioner in the present case.

5. *Per contra*, learned State counsel, while opposing the present petition, submits that recovery effected from the petitioner is of commercial quantity and, therefore, rigours of Section 37 of the NDPS Act are fully attracted.

It is further submitted that although, petitioner is not involved in any other criminal case, period of custody undergone by him is not sufficient to dilute the statutory embargo contained in Section 37 of the Act. Thus, prayer is made for dismissal of the present petition.

6. This Court has heard the learned counsel for the parties and has perused the record available before it.

7. Undoubtedly, alleged recovery effected from the petitioner is of commercial quantity and, ordinarily, rigours of Section 37 of the NDPS Act would govern the consideration of prayer for regular bail.

However, certain aspects of the matter deserve consideration at this stage. Learned State counsel has not been able to point out whether any investigation has been conducted to ascertain the source from which the alleged contraband was procured or the circumstances connecting the petitioner with the vehicle from which the recovery was effected.



It is not disputed that vehicle in question does not belong to the petitioner. It is also a matter of record that petitioner has no previous criminal antecedents under the NDPS Act or otherwise. Furthermore, alleged recovery was effected from the dashboard of the vehicle, a place which was not in open view. Prosecution is yet to establish, during the course of trial, the nature and extent of the petitioner's conscious possession and his nexus with the vehicle. Trial is also progressing at a slow pace, as only 02 out of total 15 prosecution witnesses have been examined, despite petitioner having been remained in custody for a period of more than one year and three months.

8. Having regard to the peculiar facts and circumstances of the present case, particularly absence of any previous criminal involvement, stage of the trial, period of incarceration already undergone, and the issues which are yet to be established by the prosecution during the course of trial, this Court deems it appropriate to grant the concession of regular bail to the petitioner in the present case.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his 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.

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



10. 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.
11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

20.07.2026
Lavisha

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