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

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Date of Decision:- 12.11.2024

**Hardeep Singh alias Shaheed**

...Petitioner

Vs.

**State of Punjab**

...Respondent

**CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present:- Mr. Manjinder Singh, Advocate for  
Mr. Adarshdeep Singh, Advocate  
for the petitioner.

Mr. Neeraj Madaan, Sr. DAG, Punjab.

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**AMARJOT BHATTI, J.**

1. The petitioner – Hardeep Singh alias Shaheed has filed second petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 11 dated 14.02.2020, under Section 18, 61, 85 of NDPS Act 1985, registered at Police Station Mulepur, District Fatehgarh Sahib (Annexure P-1).

2. As per the facts of case, ASI Satwinder Singh and police party on 14.02.2020 was going in their private vehicle in connection with patrolling and checking of suspected persons. They were present near Government High School, village Nalini, when secret information was received by Investigating Officer at about 11:50 AM that Janaki Prashad and Hardeep Singh were indulging in sale of Opium by bringing it from State of Uttar Pradesh on a cheap rate and sell to their customers in Punjab at higher rate.

It was further disclosed that they were coming on motorcycle bearing registration No. PB-11-CR-1036 marka Hero Delux, colour black, from the

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side of Patiala. One Sikh gentleman was driving motorcycle and other was pillion rider. On this information, nakka was organized. During checking, motorcycle came from Patiala side as informed by informer. They were stopped by police party. Said motorcyclists were carrying some heavy article on their motorcycle and on seeing police party, they tried to run away in fields. However, they were apprehended and their names and whereabouts were inquired. One of the person disclosed his name as Hardeep Singh and other disclosed his name as Janaki Prashad and on checking of bag as per rules, 4 Kg 500 Grams of Opium wrapped in a glazed paper was recovered and same was taken into police possession.

3. Learned counsel for petitioner argued that this is the second regular bail petition filed by petitioner. First bail petition bearing CRM-M No. 15211 of 2021 was dismissed as withdrawn vide order dated 15.03.2022, Annexure P-6. Since the day of apprehension i.e. 14.02.2020, he is behind the bars. Challan (Annexure P-2) was presented against accused on 04.08.2020. Trial in this case is going at a slow pace. He is behind the bars for a period of more than four years. He will abide by the terms of bail order. Therefore, his regular bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. As per status report, from the possession of present petitioner and co-accused, Opium falling in commercial quantity was recovered. Report of FSL is Annexure R-1. Challan was presented against petitioner and co-accused on 04.08.2020, whereas, other co-accused Hemraj was kept in column No. 2 as he could not be arrested. Co-accused Janaki Prashad expired on



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30.09.2020. Charge-sheet was framed against present petitioner on 07.12.2020. Four prosecution witnesses have been examined till date and three witnesses have been given up. Co-accused Hemraj was declared Proclaimed Offender vide order dated 10.11.2021. Present petitioner was involved in another FIR No. 70 dated 15.03.2009, under Section 18/61/85 of NDPS Act, registered at Police Station City Rajpura, District Patiala in which he was convicted on 06.12.2011 by learned Additional Sessions Judge, Patiala. Therefore, present petitioner is not entitled to the relief of regular bail.

5. I have considered the arguments and aforesaid facts detailed in status report. In this case, trial is pending for prosecution evidence. Some of the witnesses are already examined. It is matter of record that petitioner is behind the bars since 14.02.2020. It cannot be ignored that it is a case of recovery of 4 Kg 500 Grams of Opium, which falls in commercial quantity. As per status report, he was convicted in another FIR registered under Section 18 of NDPS Act. In the light of this and considering stringent provisions of Section 37 of NDPS Act, I do not find a fit case for grant of regular bail to petitioner and accordingly, present petition stands dismissed.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

12.11.2024  
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(AMARJOT BHATTI)  
JUDGE

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|----------------------------|--------|
| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |