



CRM-M-546-2025

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

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CRM-M-546-2025

Date of decision: 29.11.2025

MALKEET SINGH

.....PETITIONER

Versus

STATE OF HARYANA

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Jasvir Singh Dhaliwal, Advocate
for the petitioner.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Section 15 of Narcotic Drugs & Psychotropic Substances Act 1985, hereinafter being referred to as, 'NDPS', the FIR No.344 dated 22.10.2020, has been lodged in Police Station Ellenabad, District Sirsa. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody and therefore, craving for the concession of bail. This is first petition for bail filed by the petitioner, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, hereinafter being referred to as "BNSS" only.

2. Briefly stating the facts emerging from record are that the FIR of this case came into being in response to a report submitted by Sub Inspector Tara Chand. It was reported by the above-named police officer that on



20.10.2020, he was heading a police team for usual vehicle checking and that he was travelling in official vehicle. As per above-named police officer during checking, he spotted a white colour car bearing registration No.DL-3CAK-4222 and signaled the same to stop, but instead of stopping the car the driver speeded it up and fled from the spot. It was further reported that the above-mentioned vehicle was chased by the police team and during chase when the vehicle got stuck-up on a village road, three occupants of the car tried to run away but one of them was overpowered. It was further reported that the person, who was apprehended on the spot disclosed his name as 'Buta Singh' and name of other two occupants of the car (who managed to run away) as 'Malkeet Singh' and 'Laddi'. According to report, when the search of the car was conducted, it was found that in the car, they were carrying 04 bags containing poppy-husk and that on measurement the total weight of the above-mentioned contraband came out to be 70 kg.

3. It is the case of the prosecution that pursuant to above-mentioned recovery, necessary formalities with regard to seizure and sealing of contraband, filing of FIR and formal arrest of the accused were performed and further investigation taken up.

4. Notice of motion.

5. Since advance notice has already been served upon the State, Ms. Deepali Verma, Asstt. A.G. Haryana, accepts notice on behalf of respondent-State, and waives service.

6. Heard.



7. It has been contended on behalf of petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that he has been falsely implicated in the present case. According to learned counsel for the petitioner, the petitioner was not present on the spot at the time of recovery and that his name has been implicated in the present case merely on the basis of disclosure statement suffered by co-accused 'Buta Singh'. With regard to above-mentioned disclosure statement it has been contended by learned counsel for the petitioner that the above-said disclosure statement is not admissible in the evidence.

8. In addition to above, the learned counsel for the petitioner has also contended that the benefit of bail has already been afforded to two co-accused, i.e. the main accused 'Buta Singh' by virtue of order dated 08.11.2023 and Madan Lal by virtue of order dated 05.11.2024. While contending that the petitioner has already suffered prolonged incarceration and the trial is not likely to be concluded in near future, the learned counsel for the petitioner has urged for the benefit of anticipatory bail for the petitioner.

9. The learned State counsel has controverted the above-mentioned arguments. It has been contended by learned State counsel that the petitioner is a person, who was travelling in the same car but manage to flee from the spot, despite long chase by police party. As per learned State counsel in view of above-mentioned conduct of the petitioner, whose name was disclosed by his co-accused 'Buta Singh', who was apprehended on the spot, this plea of petitioner does not hold good that he was not present on the spot at the time of



recovery and his name has cropped up during the course of investigation on the basis of nomination by co-accused in his disclosure statement.

10. In addition to above, the learned State counsel has further contended that co-accused Buta Singh was accorded the benefit of bail after three years of incarceration, whereas in the present case the total period of custody of the petitioner is just above one year. According to learned State counsel otherwise also the conduct of the petitioner, who fled from the spot and thereafter, absconded for a period of more than four years in itself speaks in volumes against the conduct of the petitioner. It has also been contended by learned State counsel that the quantity of contraband recovered from the possession of petitioner being commercial quantity, without satisfying twin conditions enshrined under Section-37 of NDPS Act the petitioner cannot be afforded the benefit of bail.

11. The record has been perused carefully.

12. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i) that the petitioner is the person, who was travelling in the car from where contraband was recovered and he had managed to run-away from the spot, and thereafter he absconded for a period of four years;
- ii) that benefit of bail has been afforded to co-accused Buta Singh after incarceration of more than 03 years;
- ii) that the quantity of contraband recovered from the possession of petitioner is commercial quantity and therefore, without



satisfying twin conditions enshrined under Section 37 of NDPS

Act the petitioner cannot be held entitled for bail.

13. Taking into consideration the cumulative effect of all the above-mentioned factors but without commenting anything on the merits of the case, it is hereby held that at this stage the petitioner is not entitled for the benefit of bail. Thus, the present petition is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)
JUDGE

29.11.2025

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No