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

CRM-M-2730-2025 (O&M)

Reserved on : 30.04.2025

Pronounced on : 07.05.2025

Harpal Singh @ Bhala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parivartan Singh, Advocate and
Mr. Rajiv Kumar Saini, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 133 dated 15.11.2023, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kathunangal, Amritsar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 15.11.2023, co-accused Baljinder Singh @ Binda was apprehended by a police party headed by SI Harjinder Singh and recovery of 05 grams of heroin was effected from him. Upon interrogation, he disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated as an accused in the present case and was arrested on 16.11.2023. Recovery of 265 of grams of heroin was effected at the instance of the petitioner. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and

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presently, the petitioner along with co-accused is facing trial for commission of aforementioned offence. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 03.06.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. The alleged recovery of 265 grams of heroin, shown to have been effected from the petitioner, was in fact made from an open field and the same was planted upon the petitioner. Even otherwise, co-accused Baljinder Singh @ Binda has already been granted concession of regular bail by this Court, vide order dated 04.03.2024 passed in **CRM-M-1954-2024**. On the ground of parity, the petitioner too deserves the same benefit. He is in custody since 16.11.2023. The trial is likely to take a long time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as commercial quantity of the contraband was recovered from him. He is a habitual offender and is involved in as many as six other cases of similar nature. Hence, rigors of Section 37 of the NDPS Act would be attracted against him. Trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length

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and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Baljinder Singh @ Binda, who was apprehended by the police party on 15.11.2023 and from whom, recovery of 05 grams of heroin was effected. The allegations against the petitioner are that he had sold the recovered contraband to the co-accused. On arrest of the petitioner, recovery of 265 grams of heroin was effected at his instance. The quantity of the contraband recovered from the petitioner obviously falls within the ambit of commercial quantity. He is shown to be involved in multiple cases of similar nature. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that if released on bail, the petitioner may abscond or indulge in similar offences, can also not be stated to be unfounded keeping in view his criminal antecedents. No doubt, co-accused Baljinder Singh @ Binda has been granted concession of regular bail by this Court, as mentioned above, but the petitioner cannot claim parity with him as the contraband recovered from him was of small quantity, whereas the quantity of the contraband recovered from the petitioner falls under commercial quantity. Therefore, Keeping in view the discussion as made above, the quantity of recovered contraband, the antecedents of the petitioner, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

07.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>