



1

CRM-M-670-2025 (O&M)

221

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-670-2025 (O&M)

Date of Decision: 15.01.2025

PARDEEP KUMAR

.. Petitioner

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.76 dated 26.11.2024, registered for the offences punishable under Sections 21, 27-A and 29 NDPS Act, 1985 at Police Station Qadian, Police District Batala, District Gurdaspur, Punjab.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To, the SHO, P.S Qadian. Jai Hind, Today on 26.11.2024 | ASI along with ASI Gurnam Singh 2236/Batala, ASI, Surinder Singh 3332/Batala, PHG Rakesh Kumar 2391, Computer Operator CT Sewa Singh 7748/Batala along with Laptop, Printer were going in private vehicles from Police Station Qadian, towards Balmiki Mohala and electricity department office in connection patrolling and search of bad elements. When the police parties reached near garbage dump Balmiki Mohala Qadian then from opposite side two clean shape persons were seeing coming on motorcycle. On seeing the police party they became nervous tried to turn back their motorcycle no. PB-18Q-3307 and tried to throw away transparent plastic envelope by taking it out from pocket of their trouser. The said persons were apprehended by police party and on enquiry they disclosed their name as Pardeep Kumar alias Kali son of Late Parshotam Lal r/o village Tugalwal, P.S Kahnawan and second person told his name as Aytar Singh alias Bobby S/o Late Jaspal Singh R/o Ranjit Nagar Qadian. I ASI, enquired from those two persons as to what

**CRM-M-670-2025 (O&M)**

they are carrying in the transparent plastic envelope. Then they told that it contained heroin. Before checking the plastic envelope of Pardeep Kumar alias Kalis and Avtar Singh alias Bobby efforts were made to join public witness but everyone refused to join the police party by giving one or the other reason. Then I ASIs, along with my colleagues caught plastic envelope carried by accused Pardeep Kumar alias Kali and Avtar Singh alias Bobby in their hands and found that it contained heroin. Then I ASI, weighed heroin along with transparent plastic envelope carried by Pardeep Kumar in his hands and weight came to be 5 Gram along with plastic envelope. The same was put in a separate parcel and sealed with my stamp MS. The motorcycle No. PB-18Q-3307 Mark Hero Honda Splendor was also taken in police possession vide separate memo. Then I ASI, weighed heroin along with plastic envelope carried by Avtar Singh alias Bobby and weight came to be 7 Gram along with plastic envelope. The same was put in a parcel and sealed with my stamp MS. Sample seal was prepared separately. Stamp after use was handed over ASI Gurnam Singh. The accused Avtar Singh alias Bobby by keeping in his possession 7 Gram of heroin along with plastic envelope and accused Pardeep Kumar alias Kali son of Late Parshotam Lal by keeping in possession 5 Gram of Heroin along with plastic envelope have committed an offence U/s 21, 61, 50 NDPS Act. Ruqa is sent dasti through PHG Rakesh Kumar for registration of FIR against Pardeep Kumar and Avtar Singh. FIR be registered and its number be made known. Special report be sent to Illaqa Magistrate Sahib and Senior Officers. ASI along with my colleagues are busy within investigation. Sd/- Mangal Singh.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 26.11.2024. Learned counsel for the petitioner has submitted that *assuming arguendo*, the allegations raised against the petitioner are taken to be correct, the same pertain to recovery of 5 grams of Heroin and an amount of Rs.2,000/-. Learned counsel for the petitioner has further submitted that the petitioner is a person aged 29 years and is the prime bread earner of the family. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel for the petitioner has further argued that the quantity of the contraband recovered from the petitioner is in fact less than 5 grams as the police has weighed the packing material along with it. Learned counsel for the petitioner has further submitted that the petitioner has clean antecedents. Hence, regular bail is prayed for.



3

CRM-M-670-2025 (O&M)

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 26.11.2024 and is in continuous custody since then. The culmination of the investigation and the trial (in case challan is put up against the petitioner) shall indubitably take long time. The rival contention of the learned counsel for the parties; the petitioner has been falsely implicated into the FIR in question & whether the quantity recovered from the petitioner has been weighed along with paper/packing in which it was contained; shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice investigation/trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the course of investigation/Court proceedings. As per the custody certificate dated 14.01.2025 filed by the learned State counsel, the petitioner has suffered incarceration for more than 01 month and 18 days & is not shown to be involved in any other case. Suffice to say further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the present case.

7. In view of totality of factual matrix of the present case, the instant petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld.

**CRM-M-670-2025 (O&M)**

may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression



CRM-M-670-2025 (O&M)

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

15.01.2025
Jasmine Kaur

(SUMEET GOEL)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No