



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

230-2

CRM-M-2012-2025

Date of decision: 26.05.2025

Harmanpreet Singh @ Harman

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. L.S. Mann, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of BNSS, 2023 in case FIR No.98 dated 09.09.2024 under Sections 310(4), 310(5) of BNS, 2023 and Section 25 of the Arms Act, 1959 [Section 61(2) of BNS, 2023, Sections 25(6), 25(7), 25(8), 25(1B) of the Arms Act, 1959 and Sections 22(c), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') added lateron] registered at Police Station City Nakodar, District Jalandhar.

2. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the instant case and has now been in custody since 13.09.2024. It has been contended that the petitioner has no previous criminal antecedents, and has never before been booked under the NDPS Act. It is further argued that the petitioner is not even the registered owner of the vehicle from which the alleged



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recovery of 1000 tablets of Etizolam was made. Learned counsel has asserted that despite the passage of time, none of the 17 prosecution witnesses have been examined so far, even after the framing of charges on 22.04.2025. Hence, the petitioner deserves the concession of bail as the possibility of the trial concluding in the near future does not arise

3. *Per contra*, learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite. On instructions, it has been submitted by the learned State counsel that specific and credible secret information was received by the police prior to the incident, wherein the names of all the accused persons, including the petitioner, were categorically mentioned. Acting upon this information, the police intercepted the vehicle in which all the accused persons, including the petitioner, were travelling. After ensuring compliance with all mandatory provisions of the NDPS Act, a search of the vehicle led to the recovery of 1000 tablets of Etizolam, concealed beneath the seat of the driver.

4. It has been contended by the learned State counsel that the vehicle in question is not registered in the name of the petitioner. However, it has been strongly urged that the specific nature of the prior information, the fact that all the accused were found travelling together, and the signatures of the petitioner appearing on the recovery memos which were prepared at the spot, collectively indicate his *prima facie* involvement in the offence. The recovered substance falls well within the ambit of 'commercial quantity' under the NDPS Act. It has also been submitted that the trial is progressing expeditiously, with the next date



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fixed for 03.06.2025, when prosecution witnesses are scheduled to appear and testify. Hence, it is argued by the learned State counsel that the petitioner does not deserve the concession of bail.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The petitioner was specifically named in the secret information received by the police, which laid the foundation for the interception of the vehicle. The petitioner was one of the four persons apprehended from the car wherein a substantial recovery, that is 1000 tablets of Etizolam, a quantity significantly exceeding the threshold for 'commercial quantity' under the NDPS Act, was effected. This recovery was made following adherence to procedural safeguards mandated under the NDPS Act. Furthermore, it has been brought to the attention of this Court that the signatures of the petitioner appear on the recovery memo, which further reinforces his *prima facie* nexus with the contraband.

7. The trial is proceeding at a reasonably good pace, with charges having been framed as recently as on 22.04.2025, and the next date of hearing scheduled for 03.06.2025. There is, therefore, no indication of any undue delay in the progress of the trial. Considering the seriousness of the offence, the quantity of contraband recovered, and the stage of the trial, the bar under 37 of the NDPS Act is clearly attracted in the present case. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the concession of bail to the petitioner.



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8. Accordingly, the instant petition is hereby dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

26.05.2025

Vinay

**(MANJARI NEHRU KAUL)
JUDGE**

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