

CRM-M-2583-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2583-2025
Reserved on: 07.07.2025
Pronounced on: 17.07.2025

Amrit Singh alias Amar ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sukhwinder Singh, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
55	09.06.2024	Badhni Kalam, District Moga	21/27/61/85 of NDPS Act

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 439 CrPC, seeking regular bail.

2. Per paragraph 14 of the bail petition as well as custody certificate dated 01.03.2025, the accused has the following criminal history:-

Sr. no.	FIR No.	Dated	Police Station	Sections
1	38	09.03.2021	Bhawanigarh	302, 34 IPC
2	34	03.08.2024	Tallewal	21/29/61/85 of NDPS Act

3. The facts and allegations are taken from the reply dated 01.03.2025.

4. On 09.06.2024, based on chance recovery, the investigator was able to recover 300 grams heroin from a car, in which petitioner and co-accused were present. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and BNSS 2023.

5. Petitioner’s counsel made the following arguments:-

- i) That petitioner is a sole bread earner
- ii) That petitioner ‘s personal liberty should not be curtailed.
- iii) That there is no likely to be fleeing.

CRM-M-2583-2025

6. The petitioner's counsel further prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

7. The State's counsel opposes bail and submits that petitioner has criminal history of under Section 302 IPC and in the present case, recovery is from the car, in which petitioner and co-accused were travelling and quantity is commercial.

8. It would be appropriate to refer to the following portions of the reply, which read as follows:

“10. Role of the petitioner: On 09.06.2024 petitioner and his co-accused were apprehended red handed and from their possession 300 grams heroin was recovered.”

REASONING:

9. An analysis of the above would lead to the following outcome.

10. All the arguments made by the petitioner fails to satisfy the restrictions placed by the legislature under Section 37 of NDPS Act placing the burden on the accused. A perusal of the petition does not dispense with such arguments. Recovery is from the petitioner's possession being present in the car and no explanation has been given as such he is not entitled to bail on merits. Considering the bail on period of custody, present custody is approximately 01 year, which could not entitle him bail.

11. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

12. The petitioner's custody of around 01 year cannot be termed prolonged, given the minimum sentence prescribed for the offense.

13. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

14. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

17.07.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.