

231+235 (2 cases)

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

CRM-M No.3084 of 2025

Ritik Malhotra

..... Petitioner

Versus

State of Punjab

..... Respondent

CRM-M No.18758 of 2025

Amritpal Singh @ Pal and another

..... Petitioners

versus

State of Punjab

..... Respondent

Date of Decision: 05.08.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. L. M. Gulati, Advocate
for the petitioner in CRM-M-3084-2025.

Mr. Yajur Sharma, Advocate
for the petitioners in CRM-M-18758-2025.

Ms. Simran Gorla, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.172, dated



29.09.2024, under Sections 21(B), 27-A, 29, 61, 85 of NDPS Act, 1985, registered at Police Station Chheharta, District Police Commissionerate Amritsar Rural.

3. Succinctly the facts of the case are that the police party while on patrolling on 29.09.2024, saw a white Swift car bearing registration No.PB-02-DC-6174 coming from the Mahal Bypass. Three boys were sitting inside the car. On seeing the police, one of the boys took out a black envelope from the dashboard of the car and started running away. On suspicion, they were stopped. On asking, the person sitting on the front left seat of the car, disclosed his name as Sukhchain Singh @ Kala, whereas the driver of the car disclosed his name as Amritpal Singh @ Pal and the other young boy sitting on the back seat disclosed his name as Harman Singh (both petitioners in CRM-M-18758-2024). They were suspected to be carrying some contraband in the envelope. On conducting the search, 175 grams of heroin was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and all were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During the investigation, complicity of one more accused, namely, Ritik Malhotra (petitioner in CRM-M-3084-2025) surfaced and he was also arrayed as an accused in the present case and thus, was arrested on 05.10.2024. On receipt of the FSL report, the challan was presented before the learned trial Court. The petitioners approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned Judge,



Special Court, Amritsar declined the bail petitions filed by all the petitioners vide orders dated 28.10.2024 & 03.12.2024, respectively. Hence being aggrieved, the petitioners are before this Court by way of filing the present petitions praying for the grant of regular bail.

4. Learned counsels for the petitioners have vehemently contended that the petitioners have been falsely and frivolously implicated in the present case. Learned counsel for the petitioners in CRM-M-18758-2025 has submitted that the alleged recovery has been effected from the public place, however there is no independent witness joined. He has submitted that the alleged recovery is of 175 grams of heroin, which is a non commercial quantity and thus, provisions of Section 37 of NDPS Act are not attracted. To buttress his arguments, learned counsel for the petitioners in CRM-M-18758-2025 has submitted that the petitioners, namely, Amritpal Singh @ Pal and Harman Singh have no criminal antecedents as they were never been involved in any other case. Learned counsel for the petitioner in CRM-M-3084-2025 has submitted that the petitioner has been falsely implicated in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. He has further submitted that the petitioner, namely, Ritik Malhotra has been implicated in some other cases and it is on account of the same, he has been roped in the present case. They have submitted that the petitioners are behind bars since the date of their arrest, i.e. 29.09.2024 & 05.10.2024, however there is no progress in the trial. They have submitted that in the facts and circumstances, the petitioners deserve to be granted regular bail.



5. *Per contra*, learned counsel for the State has opposed the submissions made by counsels for the petitioners. She has submitted that the petitioners, namely, Amritpal Singh @ Pal was arrested on the spot along with co-accused, namely, Harman Singh (petitioner No.2 in CRM-M-18758-2025) and Sukhchain Singh @ Kala. She has submitted that only the investigation is complete, however the charges are yet to be framed. She has submitted that petitioner, namely, Ritik Malhotra is involved in other cases as well. She has submitted that the recovery effected in the present case is 175 grams of heroin, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. She has produced custody certificates of all the petitioners today in the Court and the same are taken on record.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that out of total 04 accused, the petitioners, namely, Amritpal Singh @ Pal and Harman Singh were arrested on the spot. As submitted before this Court that no independent witness was joined. The alleged recovery is 175 grams of heroin, which is a non commercial quantity. The investigation is already complete. Custody certificates produced would show that petitioners namely, Amritpal Singh @ Pal and Harman Singh have completed incarceration of 10 months and 03 days as on 05.08.2025 whereas the petitioner, namely, Ritik Malhotra has completed incarceration of 09 months and 25 days as on 04.08.2025. Petitioners, namely, Amritpal Singh @ Pal and Harman Singh are not involved in any other case. However the petitioner, namely, Ritik



Malhotra is involved in 9 other cases, out of which in 05 of the cases, he is on bail. The contraband recovered in the present case falls under the category of non commercial quantity.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsels for the petitioners succeed in making out a case for the grant of bail. Accordingly, the present petitions are allowed and the petitioners, namely, Amritpal Singh @ Pal, Harman Singh and Ritik Malhotra are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if petitioner, namely, Ritik Malhotra (in CRM-M-3084-2025) does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

05.08.2025
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(RAJESH BHARDWAJ)
JUDGE

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