



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

226

**CRM-M No.8550 of 2025
Date of decision : 24.7.2025**

Manjeet Singh @ Babbu**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sumit Singh Brar, Advocate, for the petitioner

Mr. Jasjeet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.201 dated 27.11.2023, under Sections 21(C) of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali Bathinda, District Bathinda.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of Ruqa. "Incharge Officer PS Kotwali Bathinda, Fateh. Today I, Insp/SHO alongwith ASI Bhola Singh 12/BTI, S/Ct. Gagandeep Singh 1869/BTI, C-II Jagdeep Singh 1459/BTI, PHG Sukhjiwan Kumar 32931 by riding Government Vehicle Scorpio No. PB03-W-5973, which is being driven by S/Ct. Jaswinder Singh 784/BTI, and by taking along laptop, printer and other equipment were going towards Awa Basti Patiala Phatak via Mal Godown Road, Sirki Bazar, Multania Road, Ram Bagh Road for patrolling and checking of suspicious persons and when police party reached 50 Meter behind from Kapah Mandi (Cotton Mandi) Morh



(Turn) then one youth having trimmed skull hair was sitting near the gate of Kapah Mandi (Cotton Mandi) and was doing something in a bag, who on seeing the vehicle of police party suddenly got worried and put the bag which he was holding in his hands in jeans jacket worn by him and tried to slip away towards Kapah Mandi (Cotton Mandi). On the basis of suspicion, I, Insp/SHO got stopped our vehicle and apprehended that youth having trimmed skull hair with help of co-employees and asked him about his name/address and he disclosed his name as Manjit Singh @ Babbu son of Shinder Singh son of Kashmir Singh resident of Basti No. 03, Bir Talab, Bathinda. Then I, Insp/SHO tried to join any independent witness with police party at the spot but everybody expressed their helplessness and thus could not join any independent witness with police party at the spot Then I, Insp/SHO informed apprehended person Manjit Singh @ Babbu about my name, rank and posting and said that, "I, Insp. Parvinder Singh No. 06/FR am posted as SHO PS Kotwali Bathinda. I have worn uniform and name plate of my name is attached on my uniform. I have suspicion of having any narcotic substance in your possession, thus I have to search you under NDPS Act but you have legal right that if you want then you can give your search in presence of any Magistrate Sahib or any Gazetted Officer, you can be taken before either of them for search." Whereupon, afore-mentioned Manjit Singh @ Babbu said that I want to give my search in presence of any Gazetted Officer. Whereupon, I, Insp/SHO prepared dissent memo of Manjit Singh @ Babbu. On memo Manjit Singh @ Babbu gave his signature and ASI Bhola Singh and C-2 Jagdeep Singh gave their signatures as witness. Then at time about 04:30 PM I, Insp/SHO made phone call at Control Room Bathinda from my mobile phone and requested to send any Gazetted Officer at the spot for search of narcotic substances. At 05:10 PM Sh. Kuldeep Singh PPS Deputy Superintendent of Police (City-1) alongwith gunmen reached at the spot in official vehicle No. PB03-AP-5904 and I, Insp/SHO apprised him about the facts. Then on order of D.S.P. Sahib I again tried to join any private witness with police party but could not join any private witness with police party at the spot. D.S.P. Sahib in presence of witnesses confirmed the name of apprehended person Jagdeep Singh @ Babbu. Then D.S.P. Sahib said am posted as Deputy Superintendent of Police (City-1) Bathinda, I have worn uniform and name plate is attached and am Gazetted Officer of Punjab Government. You have to be searched under



NDPS Act but you have legal right that if you want then you can give your search in presence of any Magistrate Sahib or any other Gazetted Officer." Then Mandeep Singh @ Babbu while expressing his consent said that I have full faith on you only, you can search me. Then D.S.F. Sahib said to Manjit Singh @ Babbu that before your search you can search me and my police party Manjit Singh @ Babbu said that I have faith on you, you can search me. On the basis of consent given by Manjit Singh @ Babbu, his consent memo was prepared. Manjit Singh @ Babbu and witnesses gave their signatures on consent memo. Then on order of D.S.P. Sahib, I, Insp/SHO conducted search of Manjit Singh @ Babbu and Heroin in one transparent polythene pouch is recovered from inner left pocket of jacket worn by him. Recovered Heroin weighed on computerized weighing machine and weight of Heroin alongwith polythene pouch is found to be 257 Gram. I put recovered Heroin in a cloth bag and prepared parcel and sealed the parcel with my stamp impression PS. Prepared sample seal separately. After use I handed over my stamp to ASI Bhola Singh 12/BI. D.S.P. Sahib sealed the parcel with his stamp impression KS and attested it. Also attested sample seal. Then I, Insp/SHO took the sealed parcel of recovered Heroin in police custody with seizure memo. ASI Bhola Singh and C-2 Jagdeep Singh gave their signatures on seizure memo as witness. D.S.P. Sahib attested the seizure memo. Then on order of D.S.P. Sahib, I, Insp/SHO conducted personal search of aforementioned Manjit Singh and currency notes of Rs. 500/500 total Rs. 1000/- are recovered from back pocket of jeans pant worn by Manjit Singh @ Babbu and one mobile phone OPPO touch screen colour sky-blue having Sim No. 62835-09081 of Jio Company in it is recovered from front pocket of his jeans pant. Whereupon, his personal search memo was prepared. On personal search memo Manjit Singh @ Babbu gave his signature and ASI Bhola Singh and C-2 Jagdeep Singh gave their signatures as witness D.S.P. Sahib attested the personal search memo. Whereas, aforementioned Manjit Singh @ Babbu by keeping Heroin in his possession without license has committed an offence which is punishable u/s 21C/61/85 NDPS Act. Therefore, Ruqa is written and is being sent to police station by the hand of PHG Sukhjiwan Kumar 32931 for registration of FIR against afore-mentioned Manjit Singh under afore-mentioned sections. Number be intimated after registration of FIR. Special reports be issued. Intimation be given to senior officers and at DCR. I,



Insp/SHO alongwith co-employees am investigating at the spot. Sd/- Parvinder Singh Insp/SHO PS Kotwali Bathinda Date 27.11.2023. Now present near Kapah Mandi (Cotton Mandi) Bathinda at 07:00 PM." At receipt of Ruqa at police station, present FIR is registered against afore-mentioned accused under afore-mentioned sections. Copies of FIR prepared as special reports which are being sent to Area Magistrate Sahib and senior officers by the hand of HC Baltej Singh No. 372/BTI. Intimation is being sent at DCR Bathinda. Original Ruqa alongwith case file is being sent to Insp/SHO Parvinder Singh 06/FR at the spot by the hand of coming PHG Sukhjiwan Kumar 32931.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.11.2023. Learned counsel has further submitted that there is delay in culmination of the trial and that is not attributable to the petitioner. Learned counsel has further argued that the contraband recovered from the petitioner is 257 grams heroin, which is marginally above the threshold of commercial quantity. Learned counsel has further argued that the petitioner is a man with clean antecedents. Learned counsel has further submitted that the mandatory provisions of NDPS Act have not been complied with, hence, the prosecution case suffers from inherent defects. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 23.7.2025 in



Court, which is taken on record.

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

6. The petitioner was arrested on 27.11.2023 and he is in continuous custody since then. The challan in the case was presented on 25.1.2024 but the trial is yet to conclude. Nothing perceptible has been brought forward to indicate that the delay in culmination of the trial is attributable to the petitioner. The rival contentions raised at Bar give rise to debatable issues which shall essentially be ratiocinated upon 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 the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 23.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one year, seven months and twenty-two 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 case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that 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 cell-phone 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 of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

24.7.2025
Ashwani

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