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

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CRM-M-10500-2025 (O&M)
Date of decision: 20.05.2025

Baljeet Singh @ Lovi @ Baljit Singh @ Luvi**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Piyush Khanna, Advocate and
Mr. Karajveer Singh, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 103 dated 21.06.2024, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Garhshankar, District Hoshiarpur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 21.06.2024, co-accused Hardeep Singh was apprehended by a police party headed by ASI Rashpal Singh and recovery of 245 intoxicating tablets (*Etizolam*) was effected from him. Since he could not produce any permit/license to keep in his possession the recovered contraband, he was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated in this

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case as an accused and was arrested on 15.07.2024 by way of production warrant as he was already in custody in connection with some other case. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application for grant of bail before the learned trial Court but the same had been dismissed, vide order dated 29.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the aforesaid co-accused, which is not admissible in evidence. There is nothing on record to connect the petitioner with the subject offence. No subsequent recovery is shown to have been effected from him. Pendency of some other cases of similar nature cannot be made a ground to deny him the benefit of bail. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 15.07.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he is a habitual offender. He is involved in as many as four other cases of similar nature, apart from two cases registered against him under the Excise Act. During the course of investigation, his complicity in the present case has

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been duly established. The trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused Hardeep Singh, who was arrested at the spot and from whose possession, recovery of 245 tablets of *Etizolam* was effected. The quantity of the contraband falls under the commercial quantity. The allegations against the petitioner are that he had sold the recovered contraband to the said co-accused. The allegations against the petitioner are quite serious. He seems to be a habitual offender as he is involved in six other criminal cases, out of which, four cases have been registered against him under the NDPS Act. The trial is going on and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded, keeping in view his antecedents. Keeping in view the aforesaid facts and circumstances, the quantity of the contraband recovered in this case, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

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7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

20.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No