



CRM-M-10136-20251

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10136-2025
Decided on: February 27, 2025

Harwinder Singh @ Phulli.....Petitioner
Versus
State of Punjab.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Barjinder Singh, Advocate,
for Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Harwinder Singh @ Phulli son of Mangal Singh, aged about 26 years	229	04.09.2022	22, 21, 27-A, 29 of NDPS Act, 1985 (offences u/ss 21, 27-A & 29 added later on)	Sultanpur Lodhi	Kapurthala

2. Learned counsel for the petitioner contends that as per prosecution version from main accused Sewa Singh, a chance recovery of



540 intoxicant tablets, containing Alprazolam, and 01 Kg. of Heroin was effected. It is on his disclosure statement that another co-accused, namely, Mangal Singh Nambardar @ Mangal Singh @ Mangal (who is father of the present petitioner – Harwinder Singh @ Phulli) was involved, and from whose possession 700 intoxicant tablets (containing Alprazolam), weighing total 84.7 grams (non-commercial) and 40 grams of Heroin (non-commercial) were recovered. Further submits that co-accused Mangal Singh Nambardar has already been granted bail by learned Judge, Special Court, Kapurthala, who is dealing with the proceedings in the present case, vide order dated 07.08.2023 (Annexure P-3).

Also submits that name of the petitioner emerged from the disclosure statement of his father/co-accused Mangal Singh Nambardar, which as per learned counsel for the petitioner is a false statement, and the case of the prosecution against the petitioner cannot be proved solely on the basis of such weak evidence. In fact, there is no connecting evidence, as nothing has been recovered from the possession of the petitioner till the time investigation was completed.

Very fairly, learned counsel for the petitioner has drawn attention of the Court to para No. 12 of the petition, wherein details of 7 criminal cases have been given, in which the petitioner is facing trial, however, submits that he has not been convicted in any of the cases.

3. On the other hand, learned State counsel vehemently opposed the prayer for grant of bail to the petitioner and submits that the petitioner is a habitual offender and facing trial in several other criminal



cases. Even as per own showing of the petitioner, out of seven cases disclosed in para No. 12 of the petitioner, five cases have been registered under the NDPS Act. Thus, a person like the petitioner, who is involved in committing crime against the society, does not deserve any sympathy or leniency, because after coming out of jail, he will again indulge himself in criminal activities. Thus, prays for dismissal of the present petition.

4. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds some substance in the submissions made by learned counsel for the petitioner and, thus, observes that in the present case, no narcotic substance was recovered from the possession of the petitioner. His name has emerged on the basis of disclosure statement of co-accused Mangal Singh Nambardar. Petitioner is inside jail since September, 2024, and after completion of investigation, final report (challan) qua him has also been presented in Court. Culmination of the trial is likely to take considerable time, and, therefore, liberty of any person cannot be curtailed for indefinite period.

5. In view of the totality of circumstances, and the allegations levelled against the petitioner, and the factors noticed hereinabove, I deem it appropriate to grant the concession of bail to the petitioner.

6. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/



Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned,
if not required in any other case.

- 7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
- 8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
- 9. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.
- 10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

February 27, 2025
Pkapoor

Whether Speaking/Reasoned: YES/~~NO~~
Whether Reportable: YES/NO