

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12832-2025
Reserved on: 07.07.2025
Pronounced on: 16.07.2025

Robin Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chetan Sehgal, Advocate and
Ms. Surabhi Mishra, Advocate, for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
11	17.05.2023	State Special Operation Cell, Amritsar, District Intelligence Wing (CD)	21, 25, 27-A and 29 of NDPS Act; 21-C of NDPS Act; 25, 27 of Arms Act (Sections 420, 467, 468, 471 IPC added later on)

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 30 of the bail application and as per paragraph 18(V) of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offenses	Police Station
1.	04	04.01.2018	22 of NDPS Act	City Tarn Taran
2.	36	04.04.2021	21-C, 25, 29, 27-A of NDPS Act	Sadar Patti, Distt. Tarn Taran

3. The facts and allegations are taken from the status report filed by the State. On 17.05.2023, based on secret information, the Police seized 01 pistol of .45 bore along with Magazine, 06 live cartridges, Rs. 2 lakhs, 05 mobile phones, I Phone 14 and I Phone 14 Pro Max from the petitioner's possession. Furthermore, on the disclosure statement of the petitioner, co-accused Harpal Singh was arrested and 600 grams of heroin was recovered from him. On the disclosure statement of petitioner, 01 kg of heroin, 580 grams gold jewelery, Rs.3 lakhs drug money, currency notes counting machine, 20 live bullets of .45 bore, 02 electronic scales were recovered from his residence i.e. H.No.01, RB Estate, Loharka Road, Amritsar. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973.

4. Counsel for the petitioner submits that he would have no objection in case any stringent conditions this Court might put upon the petitioner including surrender of fire arms, if any. He undertakes that without admitting or conceding, petitioner would live like a decent human being, mend his ways and never deal in drugs. He further submits that in case petitioner is involved in any offence where the sentence prescribed is more than 07 years or in NDPS cases, the offence involving the commercial or intermediate quantity or the offence which falls under Sections 19/24/27-A of NDPS Act, he shall have no objection if the State files an application for cancellation of bail in the present FIR and in those cases, where he is on bail. He contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

"18 (III) The evidence against the petitioner:- Commercial quantity of heroin i.e. 01 kg was recovered from the petitioner. Petitioner procured illegal gold jewellery of 580 grams, drug money and vehicle Fortuner from illegal drug trade.

Petitioner procured fake arms licence from Tarn Taran to facilitate drug trade. The concerned authority has been initiated in this regard.

The connectivity of the petitioner stands with arrested accused person on the basis of technical analysis of CDR.

(IV) The role of the petitioner:- The investigation revealed that petitioner and arrested accused were found to be involved in drug smuggling network clandestinely.

Petitioner earned gold and drug money from the trade of heroin. Moreover, petitioner procured fake arms licence and weapon to facilitate drug trade."

REASONING:

7. The quantity allegedly involved in this case is commercial. Given this, the rigors of S. 37 of the NDPS Act apply in the present case. The petitioner must satisfy the twin conditions put in place by the Legislature under Section 37 of the NDPS Act.

8. The petitioner is the main accused. However, the co-accused have already been granted bail by the co-ordinate Bench(s) of this Court in CRM-M-54833-2023, CRM-M-50676-2023, CRM-M-22423-2024 and CRM-M-30215-2024, CRM-M-54054-2024 titled as Arshdeep Singh @ Bholu @ Rai Vs. State of Punjab, Rahul @ Nayak Vs. State of Punjab, Varinder Singh @ Goldy Vs. State of Punjab, Nirmal Singh @ Nimma Vs. State of Punjab and Harpal Singh Vs. State of Punjab, decided on 23.01.2024, 08.02.2024, 16.10.2024, 16.10.2024 and 28.01.2025 respectively (Annexures P-7 to P-11 respectively). Thus, the petitioner is entitled to bail on parity.

9. As per paragraph 2 of the bail petition, the petitioner has been in custody since 17.05.2023. As per the custody certificate dated 04.07.2025, the petitioner's total custody

in this FIR is 02 years, 01 month and 08 days. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, co-accused had already been granted the benefit of bail and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, detection squad and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned

rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

16. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In Mohammed Zubair v. State of NCT of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon’ble Supreme Court holds that “The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed.”

17. In Md. Tajiur Rahaman v. The State of West Bengal, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon’ble Supreme Court holds in Para 7, “It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences.”

18. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Trial Court, which shall be at liberty to cancel this bail.**

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

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

16.07.2025

Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.