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

**CRM-M-12314-2025 (O&M)
Date of decision: 14.05.2025**

Harpreet Singh @ Peeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Narinder Lucky, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

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. 426 dated 24.09.2024, registered under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Barnala, District Barnala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.09.2024, a secret information was received that Ajay Sharma @ Gora, petitioner Harpreet Singh @ Peeta, Amritpal Singh @ Chucha and Sukhdev Ram @ Sukhu, in connivance with each other, were indulged in selling heroin and on that very day, they were coming in a car bearing registration number UP-168F-4696 to sell heroin. In pursuance of said secret information, when the police party reached near Cottan Market, Barnala, the aforesaid car was seen parked under a tree and the persons named above including the petitioner were sitting in the same. On suspicion, they were

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apprehended by the police party. On conducting their search, recovery of 50 grams of heroin, 50 tablets of *Etizolam* and drug money of Rs.1,00,000/- was effected from them. They were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 02.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, the recovery shown to have been effected from the petitioner and co-accused was planted upon them. The provisions of Section 50 of the NDPS Act were not properly complied with. No independent witness was joined at the time of effecting alleged recovery from the petitioner and co-accused. Even otherwise, investigation has been completed and *challan* has been filed. The petitioner is in custody since 24.09.2024. The trial is likely to take a long time to conclude. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has vehemently argued that the petitioner is not entitled to get benefit of bail as he was duly named in the FIR and was apprehended at the spot along with other co-accused. There are serious allegations against him. Recovery of 50 grams of heroin and 50 tablets of *Etizolam* along with drug money of Rs.1,00,000/- was effected from the petitioner and co-accused. The quantity of the intoxicating tablets itself falls

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under the commercial quantity as its total weight, as per FSL report, was found to be 9.8 grams. Hence, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. He is involved in one more case under the NDPS Act, apart from a case registered against him under the Excise Act. *Challan* has been filed and the trial is going on at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences. It is, thus, argued 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 along with the co-accused was apprehended by the police party on 24.09.2024 and recovery of 50 grams of heroin and 50 intoxicant tablets of *Etizolam* along with drug money of Rs.1,00,000/- was effected from them. As per FSL report, the total weight of recovered intoxicating tablets was found to be 9.8 grams, which falls under the commercial quantity. The petitioner is shown to be involved in one more FIR under the NDPS Act. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 439 of Cr.P.C. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that if the petitioner is released on bail, he can abscond or indulge in similar offences can also not be stated to be unfounded at this stage keeping in view his antecedents. Therefore, in view the discussion as made

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above, the quantity of recovered contraband, the antecedents of the petitioner, 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.

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.

14.05.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No