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

**CRM-M-12795-2025 (O&M)
Date of Decision:31.07.2025**

RAJESH SINGH

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Shakti Mehta, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 BNSS with a prayer to grant regular bail to him in case FIR No.187 dated 06.12.2024, registered under Section 21 of the NDPS Act 1985 (Section 29 and 27 of the NDPS Act added later on), Police Station STF, STF Wing, Mohali.
2. Mr. Shakti Mehta, Advocate has put in appearance on behalf of the petitioner by filing his power of attorney, which is taken on record.
3. Learned counsel for the petitioner contends that as per the case of the prosecution on 06.12.2024, the petitioner was found travelling in a Creta car and was apprehended by the police. The police had allegedly recovered 150 grams of heroin from him, which is 'non-commercial' in nature. Learned counsel further contends that on the disclosure statement suffered by the



petitioner, 02 other accused namely Hira Singh and Jashanpreet Singh were nominated in the case and the police had recovered 300 grams of heroin from them. He next contends that the recovery from Hira Singh and Jashanpreet Singh was a separate an independent recovery and he cannot be held liable for the contraband recovered from both of them. He further contends that in the present case, the quantity of contraband from the present petitioner is 'non-commercial' in nature, whereas, the recovery from Hira Singh and Jashanpreet Singh is commercial in nature. Thus, the case of the petitioner is clearly distinguishable from the case of Hira Singh and Jashanpreet Singh.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that 04 other cases including 01 case under the provisions of NDPS Act were registered against the present petitioner. However, it is an admitted fact that the petitioner has been acquitted in one case as per the judgment dated 11.12.2023 (Annexure P-3). Even vide order dated 16.06.2023 (Annexure P-2), the petitioner has been granted the concession of anticipatory bail in another case registered against him under the provisions of NDPS Act.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner was arrested on 06.12.2024 and is in custody for the last more than 07 months. The challan has already been presented against him and no witness has been examined so far. Further, the recovery of contraband from him is 'non-commercial' in nature and his case is clearly distinguishable from the case of Hira Singh and Jashanpreet Singh, from



whom the commercial quantity of heroin has been recovered. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his furnishing bail bonds and surety to the satisfaction of the concerned trial Court/Duty Magistrate/Chief Judicial Magistrate subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner is involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*



8. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

9. All other pending applications, if any, are also disposed off, accordingly.

31.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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