

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

2025:PHHC:067845



(240)

CRM-M-15377-2025

Date of Decision: 20.05.2025

Hardev Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. L.S. Sekhon, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab
assisted by ASI Davinder Singh

MANJARI NEHRU KAUL.J (Oral)

1. The petitioner is seeking the concession of regular bail, filed under Section 439 Cr.P.C (Section 483 of BNSS), in case FIR No.233, dated 05.12.2023, under Section 22 of NDPS Act, registered at Police Station, Sadar Ludhiana, District Ludhiana.

2. Learned counsel for the petitioner submits that petitioner has been in custody since 05.12.2023; he is not involved in any other criminal case much less under the NDPS Act. It has been contended that the petitioner has been falsely implicated in the instant case on the basis of some CCTV footage which was retrieved from the adjacent shop of the complainant, wherein he and the co-accused were stated to have been captured fleeing away from the shop after planting 600 tablets of Clonazepam. Counsel has submitted that there was no occasion for the petitioner to have participated in the crime in question much less of planting the aforesaid recovery upon the complainant. Counsel has further submitted

that after the charges were framed, as many as 6 prosecution witnesses including the complainant have been examined, however, since 10 prosecution witnesses remain to be examined, the possibility of the trial concluding in the near future does not arise.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the stage of trial nor has it been disputed that the petitioner has no previous criminal antecedents much less being involved in a case under the NDPS Act. However, learned State counsel has reiterated the allegations levelled in the FIR in question, which was registered at the instance of Manmohan Singh and stands reproduced hereunder:-

“Statement of Manmohan Singh son of Bikram Singh, resident of House No. 299, Mohalla Preet Vihar, Manakwal Road, Ludhiana, aged about 46 years, Mobile No. 92177-18256. It is stated that I am resident of above mentioned address and doing the business of property. My office is situated at the Manakwal Road, Ludhiana in the name of Rai Property Dealer. I am also partner in the business of property with Bagh Singh son of Garib Singh, resident of House No. D-129, Street No.1, Mohalla Preet Vihar, Manakwal Road, Ludhiana. The lady who works as a maid in our office to keep the office clean, used to leave it open in the daily routine after doing the work of cleaning. Today I was doing Pooja at office and saw that one polythene bag of black was lying in the bottom draws of table. I checked the said polythene and some medicines were found. We neither demanded these medicines nor we use it. I was shocked after seeing this polythene. I at the spot called up at police Post Basant Avenue and ASI Davinder Singh along with police party came present at our office, to whom I showed the polythene of medicines and informed about it. They checked the medicine in front of me and 60 strips of

intoxicating tablets- Clonazepam Mouth-Dissolving Tablet 0.5 mg Anxipam-MD 0.25 and 10 tablets in each strip which comes to total 600 intoxicating tablets were found. On every strip B. No. 8483002 MFG date 08/2023 Expiry Dated 07/2025 MRP 22.50 per 10 Tabs (Incl. of all Taxex), Mfg. Lic. No. L/17/2023/MNB & L/17/2024/MB, Leeford Healthcare Ltd At. Plot No. 79-A & 79-B, EPIP, Phase-II, Vill Thana Tehsil Baddi District Solan 173205 (H.P) was written and found. After that, Police Party with our help, checked CCTV cameras which are installed near our shop and on dated 04.12.2023 Ranjit Singh @Kukku son of Nachhatar Singh resident of Back side of Charma Colony, Village Manakwal, District Ludhiana and Hardev Singh son of Lekh Raj resident of House No. 87, Mohalla Uttam Vihar Colony, Village Manakwal, District Ludhiana of our Village, after discussion and collusion with each other, it was found that riding on active colour white bearing No. DL13SL 1666, parked in front of our office and Hardev Singh was standing near Activa and Ranjeet Singh was found keeping polythene bag of intoxicating medicines at bottom box of the table which was revealed from CCTV Camera. On which according to my statement, you wrote and listened to my statement. Strict action should be taken against both of them.”

4. Learned State counsel on further instructions has apprised the Court that the sole material witness i.e. the complainant stands examined and he has supported the case of prosecution in its entirety. It has been further submitted that the next date fixed before the Trial Court is 05.07.2025.

5. I have heard learned counsel for the parties and examined the material on record.

6. The petitioner has been in custody since 05.12.2023. He is not stated to be involved in any other criminal case much less under the NDPS

Act. The alleged recovery which was planted upon the complainant by the petitioner and the co-accused is 11 grams higher than the minimum classified under the Act. The possibility of the trial concluding in near future look remote.

7. In view of the facts as enumerated herein above, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

20.05.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No