



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

309

CRM-M No.16264 of 2025 (O &M)
Date of decision : 24.7.2025

Lovepreet Singh @ Babla**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. K.S. Sidhu, Advocate, for the petitioner

Mr. Karunesh Kaushal, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.149 dated 27.6.2022, under Section 21(c)/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of NDPS Act added later on vide DDR No.18 dated 30.6.2022), registered at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To the SHO, Police Station City Muktsar Sahib, Respected, Today I SI was present at Police Station City Sri Muktsar Sahib one written information has been received through Baldev Singh 553/FDK by hands to CT Devraj 563/FDK at Police Station which has is as under. To the Station House Officer, Police Station City Sri Muktsar Sahib, Respected



Sir, Today, I SI alongwith ASI Dilbagh Singh 760/SMS, ASI Jalandhar Singh 18/SMS, ASI Baldev Singh 814/SMS, ASI Davinder Singh 550/SMS and CT Devraj 563/FDK were patrolling in connection with the search of suspicion persons traveling on a private vehicle to Bypass Bathinda Road from Bathinda Chowk Sri Muktsar Sahib. Then we saw one cut surd person who was holding a transparent polythene bag in his right hand, to whom I alongwith my companions on the basis of suspicion signaled him to stop upon which the said person threw the transparent polythene bag on the road due to which the strips of medications were also scattered on ground and the scattered medications seems to be intoxicant. Therefore, As per the instructions of the Punjab and Haryana High Court, Chandigarh, if possible, another regular NGO should be sent on the spot, written notification sent to CT Devaraj 563/FDK police station. The above said Cur surd young boy alongwith transparent bag and scattered intoxicant tablets were kept on the spot. Upon which I SI alongwith CT Devraj 563/FDK alongwith investigation kit including torch including laptop printer were traveling on Govt. Vehicle No PB-30-Y-0865 whose driver is CT Manveer Singh 22/SMT reached at the spot, where SI Baldev Singh 553/FDK alongwith his fellows alongwith the above said cursurd young man alongwith the transparent polythene bag and intoxicant tablets which were scattered on ground were present and I SI was informed about the situation by him and on the spot also tried to join the police party with the private witness, but everyone expressed their own excuses/problems, upon which I SI Introduced himself to the detained person and said that my name is Manjinder Singh, my rank is Sub-Inspector. I was also appointed as Incharge at Police Station Bus Stand City Muktsar Sahib, I am in uniform and name batch has also stitched on it. After being informed, I asked the name of the said arrested youth and he disclose his name as Lovepreet Singh alias Babla son of Darshan Lal, resident of Post Office Pakke Kale Wala, Village Ghanga Kala, Chak Saidoke District, Fazilka presently near Abad Bhagsar Road, Near Government Girls School, Lakhewali and then the above said Lovepreet Singh alias Babla collect all the stripes of medications which fell on the ground put them in same transparent polythene bag and counted. Total 442 leaves, each leaf contains 10/10 Intoxicant tablets, Total 4420 Intoxicant Tablets, Intoxicant Tablet Marka Tramadol Hydrochloride Tablets 100 mg, Clobedol-100 SR Tablet upon checking their Batch No. B.No: ALT2007 MD:04/2022



*ED:03/2025 was written. I SI kept the same in the polythene bag and prepared a separate parcel. Then, I SI stamped the prepared parcel of intoxicant tablet with my seal MS and filled the sample stamp form M-29. After use of stamp handed over to Si Baldev Singh 553/FDK The recovered intoxicant tablets and Form M-29 were taken into custody by separate memo. Then I SI asked to Lovepreet Singh alias Babla that the firstly the intoxicant tablets have already been recovered from the transparent polythene bag which was thrown by you, but still you have to be searched, but you have the legal right to get his search done by a Gazetted officer or by the District Magistrate can be called at the spot or you can be taken to them, upon which he said that he has full faith upon us and he want to be get searched by us only. Upon which I Si Prepared notice under section 50 of NDPS Act and the same was signed by Lovepreet Singh alias Babla after answering the questions asked by me. I SI Baldev Singh 553/FDK and ASI Baldev Singh 814/SMS were signed as witnesses. Then, SI conducted the search of accused Lovepreet Singh alias Babla in which currency note of Rs.500/- (500*1) was recovered. Memo of Personal Search as been prepared and the same was got signed by accused Lovepreet Singh @ Babla and SI Baldev Singh 553/FK and ASI Baldev Singh 814/SMS also signed the same as witnesses. The accused Lovepreet Singh alias Babla has not produced any permit or medical certificate regarding the possession of the intoxicant tablets in his possession, upon which Lovepreet Singh alias Babla son of Darsan Lal Resident of Post Office Pakke Kale Wala Village Ghanga Kala Chak Saidoke District Fazilka presently Abad Bhagsar Road Near Govt. Girls School Lakhewali has committed the offence u/s 22C-61-85 NDPS ACT. Upon which Ruqa against Lovepreet Singh alias Babla son of Darsan Lal Resident of Post Office Pakka Kale Wala Village Ghanga Kala Chak Saidoke District Fazilka Hall Abad Bhagsar Road Near Government Girls School, Lakhewali has been sent to the Police Station through CAT Devraj 563/FDK by hand. After registration of the FIR number be informed. The special report should be sent to the service of the Illaqa Magistrate Sahib and the other officers of Balaji. The PCR was informed. SI alongwith other officials were present at the spot. Rakba-Bathinda Chowk, Shri Muktsar Sahib At 09:00 PM SD/-Manjider Singh PS City SMS Dated 06.02.2022. Today after receiving the above said Ruga in the present police station, case has been registered against the above said accused, the original Ruqa*



alongwith copy of FIR has been sent to SI on the spot through CT by hand. Special report has been sent by hand through Gurlal Singh No. 952/S.M.S. to illaqa Magistrate Sahib and other Senior Officials. PCR-SMS has also been informed.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 27.6.2022. Learned counsel has further submitted that the charges were initially framed on 13.4.2024 but, on account of subsequent arrest of co-accused (Pardeep Kumar @ Pappi), charges were again framed on 5.10.2024. Learned counsel has further argued that the petitioner is already in custody for the last 3 years. Learned counsel for the petitioner has further submitted that the police has failed to scrupulously adhere to the mandatory provision of NDPS Act and therefore, the prosecution case suffers from inherent defects. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 23.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case

6. The petitioner was arrested on 27.6.2022 subsequent to the



framing of charges again on 5.10.2024, only one witness out of total 23 cited prosecution witnesses has been examined till date. Indubitably, procrastination of the trial cannot be fastened upon the petitioner. In view of the long incarceration of the petitioner, the rigors imposed by virtue of Section 37 of the NDPS Act step into oblivion in view of Article 21 of the Constitution of India. A profitable reference in this regard is being made to a judgment passed by the Hon'ble Supreme Court in *Criminal Appeal No.2787 of 2024* titled as *Javed Gulam Nabi Shaikh vs. State of Maharashtra and another*, as well as the dicta passed by this Court in **CRM-M No.64074 of 2024** titled *Kulwinder v. State of Punjab*, decided on 10.1.2025 (neutral citation no.2025:PHHC:002695). As per custody certificate dated 23.7.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of three years and twenty-three days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.



- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(SUMEET GOEL)
JUDGE

24.7.2025
Ashwani

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