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

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CRM-M-15861-2025 (O&M)
Date of decision: 22.05.2025

Simranjit Singh @ Simra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bipan Ghai, Senior Advocate with
Mr. Nikhil Ghai, Advocate and
Mr. Paramjeet Singh Paul, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 103 dated 09.12.2023, registered under Sections 22C, 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station City Morinda, District Rupnagar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 09.12.2023, on the basis of a secret information, petitioner Simranjeet Singh @ Simra, while coming in a car bearing registration number PB-12-AB-6545, was apprehended by the police party and recovery of 20 injections of *Buprenorphine* (Leegesic) of 02 ml each, 20 vials of Pheniramine

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Maleate injections, 03 country made pistols along with several live cartridges was effected from him. 03 swords and 01 Takkua were also recovered from his car. Since the petitioner could not produce any permit or license to keep in his possession the recovered contraband, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences. He had moved an application for grant of regular bail before the trial Court but the same had been dismissed, vide order dated 05.11.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. Both the aforementioned injections, allegedly recovered from the petitioner, had already expired in January, 2023. Hence, the same were of no use either to the petitioner or to any other person and the same was in fact planted upon him by the police official as it is well known that expired medicines can easily be procured from chemists. It is further argued that Pheniramine Maleate does not fall within the narcotic or psychotropic substance and the weight of Buprenorphine injection does not fall within the commercial quantity, it being only 19.941 grams. The petitioner is in custody since 09.12.2023. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him the petitioner in custody anymore. Pendency of other cases against him is not a ground to deny him the concession of bail. It is, therefore, urged that the petition deserves to be allowed. To fortify his argument, learned counsel for the petitioner has relied upon an order dated 20.09.2022, passed by a coordinate Bench of this Court in

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CRM-M-26438-2022, wherein the accused had been granted concession of regular bail noticing the fact that the intoxicant tablets, recovered from him, were expired.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was apprehended at the spot and commercial quantity of intoxicant injections having salt of Buprenorphine Hydrochloride was recovered from, apart from several illegal arms and ammunitions. He is a habitual offender. Since commercial quantity of the contraband has been recovered from the petitioner, rigors of Section 37 of the NDPS Act would be attracted against him. Trial is going on at a proper pace and only 08 witnesses are left to be examined. It is also argued that if the petitioner is released on bail, he may abscond or indulge in similar offences again. 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 was apprehended by the police party on 09.12.2023 and recovery of 20 injections of *Buprenorphine* (Leegestic) of 02 ml each and 20 vials of Pheniramine Maleate injections was effected from him. Though, admittedly, Pheniramine Maleate injections are not covered under NDPS Act but the weight of the Buprenorphine injection was found to be falling within the ambit of commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him. Learned senior counsel for the petitioner has argued that the weight of the contraband was found to be only 19.941 grams but a perusal of the record reveals that the same was the weight

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of only sample injections, which were sent to FSL. A perusal of the status report reveals that the petitioner has been convicted in one case under the NDPS Act, whereas he is facing trial in two other cases of similar nature. Not only this, he has been convicted in two more cases involving offence under Section 307 of IPC. This goes to show that the petitioner is a habitual offender.

7. It has been argued that the intoxicant injections recovered from the petitioner were expired and thus the same were ineffective, which strengthens the fact that it was planted upon him. While this argument may hold some merit in cases involving first time offenders with no prior criminal history, however, it bears no weight in case of accused like the present petitioner who has a documented history of involvement in multiple cases under the NDPS Act and IPC. The plea of false implication is a stereotyped defense raised in every case where the accused is found in possession of contraband. However, in the light of the petitioner's repeated offenses, it is highly improbable that he would have been falsely implicated in this case or in other cases at the whims and fancies of the investigating agency. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Rather, the same may be expedited. The apprehension raised by learned State counsel that the petitioner, if extended bail, can abscond or indulge in similar offences can also not be stated to be unfounded keeping in view his antecedents. Keeping in view the discussion as made above, the allegations levelled against the petitioner, the quantity of the 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

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does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

8. It is made clear that the observations made herein above 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.

22.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No