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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-22173-2025
DECIDED ON: 01.05.2025

VARINDERPAL SINGH ALIAS VARINDER SINGH
.....PETITIONER

VERSUS

STATE OF PUNJAB
.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Shivam Kamboj Sirsa, Advocate
for the petitioner.

Mr. Rajiv Verma, Senior DAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

This petition has been filed under Section 483 of BNSS, 2023 grant of regular bail in FIR No. 139 dated 26.12.2024 registered under Section 21(B), 29 of The Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Sarai Amant Khan, Tarn Taran.

2. Facts

Facts as narrated in the FIR reads as under:-

“To, Chief Officer Police Station Sarai Amanat Khan Jai Hind, today including ASI Salwinder Singh 1386, ASI Sukhwinder Singh 222 by way of government vehicle Bolero number PB 65 BF 1070 with driver ASI Karam Singh 631, For the reason of patrol and searches for



suspicious men having laptops, printers, stationery and torches was going from the police station to village Sarai Amanat Khan, Havelia, Chhina Biddhi Chand etc. When the police party stopped the vehicle and started the routine checking of vehicles at village Chhina Biddhi Chand. When a motorcycle HF Deluxe from village Bhuchar was riding. A Mullah fashioned person was seen coming who was asked by the ASI to stop with the light of a torch, the said motorcycle driver quickly stopped his motorcycle. He tried to turn back by applying the brakes, but during this attempt, the motorcycle fell on the side of the road and could not get up quickly. Then I ASI, with the help of fellow workers, went ahead and tried to control the said motor cycle driver without any suspicion. Meanwhile, the said person took out some weighty item from the front right pocket of the layer he was wearing and threw it across the road away from him, on which the ASI helped the said person along with the said motor cycle with fellow employees. He raised him on the ground and asked for his name, who told his name as Varinderpal Singh @ Varinder son of Dalbir Singh son of Massa Singh, resident of Chhina Biddhi Chand Police Station, Sarai Amanat Kha. When asked about the object, he said that I did not throw anything like that. On asking again, he said that there was medicine in the envelope which I had thrown away, but I ASI, on being asked by giving pressure, he said that the envelope which I threw out of my pocket contained heroin which I was going to sell on foot. I started to turn and run away, but due to the loss of balance, the motorcycle fell down and when I saw the police party coming towards me, I put it in my pocket in panic. He took out the heroin and threw it away, on which Virinderpal Singh, who was arrested by the ASI and with the help of his fellow employees, searched for the envelope thrown by Musami in the light of the torch. Taking the hand from the ground and presenting it to the ASI, he said that this is the same heroin which I had thrown on the ground beyond me out of fear of the police. I ASI opened the said wax envelope and checked Varinderpal but tried to form a police party with a public person as a witness, but due to the time of night and deserted road, no one could be found, So



I ASI said to Varinderpal. The wax envelope was opened and checked and heroin was found in the said wax envelope. The envelope contained a total of 192 grams of heroin, which was weighed, put the same in a plastic box and prepared a parcel, and sealed the parcel with its own seal letter SP by Man ASI and prepared a sample seal separately and completed the sample seal. 192 grams weighing 192 grams was seized by the police as evidence by separate individuals. ASI Salwinder Singh 1386/t. ASI has taken possession of Bramda motorcycle HF Deluxe number PB 46 Z 5688 in the possession of the Varinderpal Singh in the possession of the police through separate evidence, which the said Varinderpal Singh has committed the crime by keeping 192 grams of heroin in his possession. 21-B/61/85 of the NDPS ACT has been done, therefore Musammi has charged a crime against him Rukka through laptop but type and print out the case registered handily ASI Karam Singh is sent to 631 police station. It should be informed that due to chance recovery, Section 50 of NDPS ACT could not be fulfilled. Man ASI and other fellow employees have the opportunity to investigate the case. I belong to Haja. SD/ Satpal 1785/T:

3. Contentions:

On behalf of the petitioner

Counsel for the petitioner contends that the petitioner has been falsely implicated in the instant FIR wherein as per the prosecution version, 192 grams of heroin has been recovered from him which even if believed to be true is non-commercial in nature. He further contends that challan stands presented on 19.02.2025 and charges are yet to be framed. He assures on behalf of the petitioner that he is ready and willing to join the investigation as and when called for.

Notice of Motion.

**On behalf of the State**

Learned counsel for the state accepts notice on behalf of the respondent-state and has filed custody certificate of the petitioner which is taken on record. According to which, the petitioner is in incarceration since 4 months and 1 days.

He, at the very outset prays for dismissal of the regular bail by submitting that the petitioner is a habitual drug peddler who during investigation disclosed the name of one Sultan Singh from whom he is regularly purchasing the contraband and on the day of his arrest, he was further going to sell the same contraband. Moreover, the petitioner is involved in two other cases out of which in one case he is involved in offence under NDPS Act 1985.

4. Analysis

Section 29 of the Narcotic Drugs and Psychotropic Substances (NDPS) Act, specifically addresses the penalties for those who assist or participate in a criminal conspiracy to commit an offense under the NDPS Act. The perusal of the the First Information Report (FIR) in the instant case indicates that the petitioner was involved as a seller in a conspiracy, who after purchasing the contraband in question was going to sell and further the petitioner in his disclosure statement has clearly named one Sulan Singh from whom he use to regularly purchase the contraband. This whole act of buying and selling the contraband has led to commissioning of an offence under the provision of Section 29 of the NDPS Act. This section emphasizes that *"whoever abets, or is a party to a criminal conspiracy to commit an offence"* is subject to punishment under this law. Meaning thereby, Buyers/Sellers can be implicated under this section if there is an



adequate evidence demonstrating their involvement in a conspiracy related to drug trafficking.

Furthermore, the petitioner's criminal history, marked by involvement in one another similar case, raises serious concerns about the likelihood of his reoffending. There is a distinct possibility that, if granted bail, the petitioner will once again partake in this unlawful enterprise.

Moreso, in ***Ram Govind Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598***, it has been observed as under:

“3. Grant of bail though being a discretionary order — but, however, calls for exercise of such a discretion in a judicious manner and not as a matter of course. Order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts, however, do always vary from case to case. While placement of the accused in the society, though may be considered but that by itself cannot be a guiding factor in the matter of grant of bail and the same should and ought always to be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.”

5. Conclusion.

In the light of above, discussions made and the *modus operandi* of the kingpins engaged in illicit activities, whether trafficking in small or intermediate quantities, must be met with unwavering resolve and stringent action. The intent of the legislature and the sanctity of the rule of law must be upheld at all costs and cannot be allowed to be undermined, regardless of the quantity involved.

Keeping in view the aforesaid facts and circumstances and nature of averments, the petitioner does not deserve the concession of regular bail.

Hence, the present petition is hereby, dismissed.

However it is made clear that anything observed herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

01.05.2025
anuradha (v)

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No