



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

**216**

**CRM-M-23028-2025 (O&M)**

**Date of decision : 01.12.2025**

Palwinder Singh @Laddi

..... Petitioner

**VERSUS**

State of Punjab

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH**

Present : Ms. Amarjeet Kaur, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

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**SURYA PARTAP SINGH, J. (oral)**

**CRM-48307-2025**

For the reasons stated in the application, the same is allowed.

The documents, annexed with the application, are ordered to be taken on record.

**CRM-M-23028-2025**

2. For the commission of offence punishable under Sections 22 and 25 of the 'Narcotic Drugs and Psychotropic Substances Act', hereinafter being referred to as 'NDPS Act', the FIR No.60 dated 16.05.2017 has been lodged in Police Station City Raikot, District Ludhiana. The petitioner is being prosecuted for the commission of abovementioned offence and he has been arrested. The petitioner is in custody and, therefore, craving for bail.



This is first petition for bail filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being when a police party headed by ASI Nazar Singh was deputed for patrolling duty on 16.05.2017 and while performing the abovementioned duty at about 01:45 am, it spotted a car bearing registration No.PB10-CF-3940 approaching from Jagraon side. According to prosecution, when signal was given to the abovementioned car to stop the same, two young persons alighted from the car and ran towards Raikot City.

3. It is the case of the prosecution that in view of abovementioned suspicious conduct, they were overpowered by the police party, and on enquiry, they disclosed their names as Narinder Singh and Palwinder Singh (petitioner herein). As per prosecution, when the search of their persons was conducted, each of them was found in possession of 100 gms of narcotic powder (200 gms in total).

4. It is the case of the prosecution that on recovery of abovementioned contraband, necessary formalities with regard to seizure & sealing of contraband, lodging of FIR, and arrest of the accused were performed, and further investigation taken up.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG Punjab accepts notice on behalf of respondent-State, and waives service. The learned State Counsel has already filed



custody certificate of the petitioner. However, no formal reply has been filed by the State and the learned State counsel has opted to orally oppose the present petition.

7. Heard.

8. It has been contended on behalf of petitioner that the petitioner has been falsely implicated in the present case, and that no independent witness was joined at the time of recovery of contraband from the possession of petitioner. The learned counsel for the petitioner has also argued that the petitioner has already suffered a long incarceration for being in custody for a period of more than 01 year and 09 months, and that the trial is taking place at a very slow pace, as out of 10 prosecution witnesses only 04 have been examined so far. According to learned counsel for the petitioner in the given fact situation, the petitioner is entitled for the benefit of bail.

9. *Per contra*, the learned State Counsel has argued that the petitioner is a person, who himself was found in possession of 100 gms of diphemoxylate hydrochloride, i.e. commercial quantity of contraband. According to learned State Counsel the quantity of abovementioned contraband being commercial quantity, without satisfying the twin conditions, enshrined under Section-37 of NDPS Act, the petitioner is not entitled for benefit of bail.

10. In addition to above, the learned State Counsel has also argued that in the present case, the petitioner is a person, who has misused the benefit of bail, as earlier he was given the benefit of bail, but on repeated



date when he failed to appear before the learned trial Court, by virtue of order dated 19.08.2023 he was declared a proclaimed offender. According to learned State Counsel in view of abovementioned fact situation, the petitioner is not entitled for the benefit of bail.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, for arriving at any decision: -

- i) that the recovered contraband from the possession of petitioner comes within the ambit of commercial quantity, and therefore, without satisfying the twin conditions, enshrined under Section 37 of NDPS Act, the petitioner is not entitled for the benefit of bail;
- ii) that as far as the delay in trial is concerned, in view of the fact that the petitioner himself is guilty of absconding in violation of terms and conditions of the bail afforded to him, and the abovementioned violation was to the maximum possible limit, it is hereby held that the abovementioned conduct of the petitioner speaks in volumes against the claim of the petitioner for the benefit of bail; and
- iii) that there is nothing on record to show that the twin conditions enshrined under Section-37 of NDPS Act stands satisfied in this case.

13. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration it leads to the



conclusion that at this stage the petitioner is not entitled for the benefit of bail, and that the present petition being devoid of merit deserves dismissal.

14. Accordingly, the present petition is hereby *dismissed*.
15. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)  
JUDGE

01.12.2025  
Gaurav Thakur

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |