



CRM-M No.27564 of 2025 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.27564 of 2025 (O&M)

Date of Decision: 03.11.2025

Harpreet Singh

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Tarunvieer Vashisht, Advocate for the petitioner.

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

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Section 22 of NDPS, the FIR No.42 dated 30.03.2023, has been lodged in Police Station Kotwali, Nabha. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the second petition for the benefit of bail. This is first petition for grant of bail, moved by the petitioner under Section 483 of BNSS.

2. In nut-shell, the facts emerging from the record are that the FIR of this case came into being on the information sent by ASI Chamkaur Singh on 30.03.2023. According to prosecution, it was reported by the above named ASI that on that day when he along with other police officials was on patrolling duty, he received a tip-off that Kashmir Chand son of Gyan Chand and Kuldeep Singh @ Keepa were involved in the trading of intoxicating tablets and that on that day on a splendor motor cycle bearing registration No.PB-10-

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DX-1053 they were going towards Defence Colony side and they were carrying huge quantity of such tablets. It was further reported by the above named police officials that in view of above mentioned information he intercepted the motorcycle, apprehended Kuldeep Chand and Kuldeep Singh and from their possession recovered 1040 intoxicating tablets (352 grams), containing Tramadol Hydrochloride as basic salt.

3. The prosecution has further alleged that when the investigation with regard to above mentioned recovery of contraband was undertaken and the accused Kuldeep was interrogated, he suffered a disclosure statement wherein he stated that they used to get supply of intoxicating tablets from Harpreet Singh, the petitioner. As per prosecution in view of above mentioned disclosure statement, when the medical store of petitioner namely Guru Kirpa Medical Hall, Alhora Gate, Nabha was raided, 71540 intoxicating tablet were recovered from his possession.

4. Heard.

5. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus of, whatsoever, with the commission of crime and despite being a valid license holder for storage and sale of drug, he has been prosecuted in the present case. The learned counsel for the petitioner has also argued that petitioner has already suffered a long incarceration in the present case as he is in custody for a period of 02 years and 07 months.

6. As per learned counsel for the petitioner the trial is not likely to be concluded in near future, and that due to delay in trial the Fundamental Right guaranteed to the petitioner by the Constitution of India is being violated.



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While claiming that the long incarceration during the trial had made the petitioner eligible for bail, the learned counsel for the petitioner has refers to principles of law laid down by Hon'ble Supreme Court in the case of '*Simranjit Singh vs. State of Punjab*' 2023(3) Crimes 168 and in the case of '*Md. Tajiur Rahaman @ Tajiur Rahaman vs. The State of West Bengal*', SLP (Criminal No.12225 of 2024). The learned counsel for the petitioner has also referred to the judgment of Coordinate Bench of this Court in the case of '*Gaurav Gandhi vs. State of Punjab*', CRM-M-19648-2021.

7. *Per contra*, the learned State counsel has argued that in the present case, the most significant fact to be taken into consideration is that, this is the second petition for bail moved by the petitioner and that either in the petition or during the course of argument, nothing has been disclosed which may lead to a conclusion that there is any change in the relevant circumstances from the date of dismissal of former bail petition.

8. The learned State counsel has also argued that trial in the present case is taking place at a reasonably good pace and that out of 26 witnesses, 7 have already been examined, 03 have been given up and only 16 witnesses, majority of whom are formal witnesses are left to be examined.

9. The record has been perused carefully.

10. With regard to present petition, it is relevant to mention that in earlier petition moved by the petitioner, the Co-ordinate Bench of this Court was pleased to pass the following order:-

"Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.42 dated 30.03.2023, under Section 22 of the Narcotic



Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kotwali Nabha, District Patiala.

(2) Custody Certificate dated 24.10.2024 of the petitioner has been produced. The same is taken on record. Copy thereof supplied to the opposite side.

(3) After arguing for some time, when this Court was not inclined to accept the prayer, learned Counsel for the petitioner on instructions wishes to withdraw the present petition "at this stage".

(4) Ordered accordingly.

(5) It is clarified that above observations be not construed as an expression of opinion on merits of the case.

Pending application(s), if any, shall also stand disposed off."

11. It is also relevant to mention here that in the present case, the recovery of contraband from the possession of petitioner comes within the ambit of commercial quantity and therefore, rigors of Section 37 of NDPS Act are attracted in the present case. There is nothing on record to show that the twin conditions enshrined under Section 37 of NDPS Act stands satisfied in the present case.

12. In the present case, at the very outset, it is relevant to mention here that this is second petition for bail, and from the date of dismissal of former petition, no significant change in circumstance has taken place. The entire thrust of the arguments of learned counsel for the petitioner has been the delay in trial but apparently that does not seems to be correct. This fact cannot be ignored that this is not the first prosecution which is being faced by the petitioner. In fact earlier also the petitioner has been booked and convicted for the commission of offence under NDPS Act, and in two cases he has been prosecuted under Section 52-A of Prisoners Act.

13. Taking into consideration the fact that the petitioner has failed to bring anything on record to show that there is change of circumstance from the date of dismissal of former bail petition, it is hereby held that the present

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petition moved by the petitioner, deserves dismissal. Hence the same is hereby dismissed, accordingly.

(SURYA PARTAP SINGH)

JUDGE

03.11.2025

Kapil

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