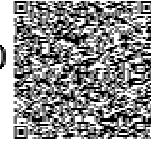


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2025:PHHC:115240



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-29588-2025

Date of decision: August 28, 2025

Prabhdeep Singh @ Peter

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. J.S. Thakur, Advocate for the petitioner
 (presence marked through video-conferencing).

Mr. Jaypreet Singh, DAG 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 bearing FIR No.49 dated 14.06.2019, registered for the offences punishable under Sections 22, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Bhikhiwind, District Tarn Taran.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 670 intoxicant tablets of white colour and 185 intoxicant tablets of orange colour (total 855 intoxicant tablets) from the petitioner and his co-accused, namely, Rahul Kumar, while they were travelling on a motorcycle.

3. Learned counsel for the petitioner has iterated that the petitioner was initially arrested in the FIR in question, on 14.06.2019, wherein, he was

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granted concession of interim regular bail, on 08.08.2019. The petitioner was required to surrender back on 22.03.2024, but could not do so on account of illness arising out of Covid. Thereafter, the petitioner was re-arrested on 13.01.2025 and is in continuous custody since then. Learned counsel has iterated that the petitioner could not cause appearance before the concerned trial Court on account of circumstances beyond his control. Learned counsel has also argued that contraband alleged to be recovered from the petitioner is non-commercial in nature. Learned counsel has further iterated that the petitioner is a man aged 26 years having no criminal antecedents and is the sole bread-earner of his family. Learned counsel for the petitioner has further submitted that the mandatory provisions of the NDPS Act have not scrupulously been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. 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, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.08.2025 in the Court today, which is taken on record.

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

6. The petitioner was initially arrested on 14.06.2019, wherein, he was granted concession of interim regular bail on 08.08.2019. The petitioner had to surrender back on 22.03.2024, but he did not do so on account of his illness due to Covid. Thereafter, the petitioner was re-arrested on 13.01.2025 and is in continuous custody since then. It is not in dispute that contraband

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allegedly involved in the instant case is of non-commercial quantity. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 27.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period 09 months and 13 days, & is not shown to be involved in any other FIR(s).

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 trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 cellphone 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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the

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petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned trial Court/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. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 28, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No