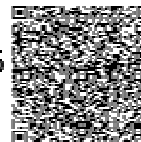


2025:PHHC:078015



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

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**CRM-M-29976-2025 (O&M)
Date of decision: 02.07.2025**

Harpal Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Raj Kumar Arya, Advocate
for the petitioner.

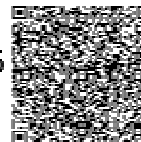
Ms. Sakshi Bakshi, AAG, Punjab.

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. 12 dated 28.02.2025, registered under Sections 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Bhindi Saidan, District Amritsar (Rural).

2. Brief facts of the case relevant for the disposal of the present petition are that on 28.02.2025, co-accused Jagtar Singh was apprehended by a police party and recovery of 60 grams of heroin and drug money of Rs.2500/- was effected from him. Upon interrogation, he disclosed that the petitioner was also involved with him in selling heroin. On the basis of the same, the petitioner was nominated in this case and was arrested on 12.03.2025 and at his instance, recovery of drug money of Rs. 2500/- was effected. Investigation is still going on.

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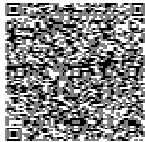
3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was not named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. No subsequent recovery of any contraband has been effected from the petitioner. More so, the quantity of the alleged contraband recovered from the co-accused does not fall under commercial quantity. Although the petitioner has been falsely implicated in five more cases of similar nature but he stands acquitted in one such case and in rest of the cases, he is on bail. Trial would take some time as even investigation has not yet been completed. The petitioner is in judicial custody since 12.03.2025. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate of the petitioner has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has opposed the prayer of the petitioner on the ground that the petitioner is involved in some other cases of similar nature and if he is released on bail, he can abscond or indulge in similar offences. Hence, it is urged 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 has been nominated in this case on the basis of the disclosure statement suffered by the co-accused. Subsequent to his arrest, no recovery of any contraband has been effected from him. Though, he is

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shown to be involved in some other cases, but he is on bail in those cases. The quantity of the contraband recovered from the co-accused does not fall within commercial quantity. The petitioner is in custody since 12.03.2025. Investigation is still pending. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

02.07.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No