



CRM-M-33199-2025

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

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CRM-M-33199-2025 (O &amp; M)

Date of decision: 06.11.2025

ROOP SINGH AND ANOTHER

....Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nitish, Advocate for the petitioners.

Mr. Manipal Singh Atwal, DAG, Punjab.

**AMAN CHAUDHARY, J. (ORAL)**

1. Present petition filed under Section 483 BNSS is for grant of regular bail to the petitioners in case FIR No.18 dated 19.02.2025, registered at Police Station Singh Bhagwantpur, District Rupnagar, under Sections 22 and 29 NDPS Act.

2. Learned counsel faced with the fact that petitioner No.2 has been in custody only for 6 months and 18 days, is facing trial in 3 other cases out of which 2 are under the NDPS Act, does not press the present petition qua him, at this stage.

3. Ordered accordingly.

4. Insofar as petitioner No.1 is concerned is concerned, learned counsel submits that he has been in custody for 8 months and 4 days. He alleges false implication. The alleged recovery effected from the car of which he was a driver, is marginally above the commercial quantity, it being 271 grams of heroin contained in a transparent polythene bag. It is

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debatable as to whether he can be said to be in conscious possession of the contraband. Challan was presented on 14.08.2025, charges have not been framed yet, and there are, in all, 19 PWs. The petitioner is not involved in any other case.

5. The custody certificate dated 05.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 8 months and 4 days.

6. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from petitioner No.1, who was apprehended at the spot. However, he is unable to controvert the submissions with regard to stage of the case and petitioner N.1 being not involved in any other case.

7. Heard.

8. In **Sarabjeet Singh @ Sarbi vs. State of Punjab**, CRM-M-718-2023, decided on 24.03.2023, **Gursant Singh @ Santu vs. State of Punjab**, CRM-M-37944-2020, decided on 07.09.2021, the recovery, as in the present case, was effected from a transparent polythene bag wherein the accused was granted bail. This Court granted bail in **Tajinder Singh vs. State of Punjab**, CRM-M-8212-2022, alleged recovery was of 270 grams of heroin and the accused was behind bars since 7 months and **Ladwinder Singh @ Laddi vs. State of Punjab**, CRM-M-44383-2022, wherein the recovery was of 2kgs. 700 grams opium and the accused remain in custody for 9 months.

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9. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 8 months and 4 days; not involved in any other case; challan stands presented on 14.08.2025, charges are yet to be framed, there are total of 19 PWs; the trial is likely to take a considerable time, further incarceration of petitioner No.1 would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

10. Petitioner No.1 is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change

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either of the aforesaid, it shall be done only with prior information to the learned trial Court.

(viii) The petitioner shall not leave the country without prior permission of the trial Court.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

11. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

12. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

06.11.2025

parveen kumar

**(AMAN CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No