



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(101+218)

CRM-M-35731-2024 (O&M)
Date of decision:- 03.02.2025

Pardeep Kumar @ Pappi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Abhaysher Singh, Advocate for the applicant-petitioner.
Mr. Kanav Singla, AAG, Punjab for State-respondent.

SUVIR SEHGAL, J. (ORAL)

CRM-4416-2025

1. Prayer in the application is for placing on record order dated 05.10.2024, Annexure P-3, whereby charge has been framed by the Trial Court.
2. Application is allowed.
3. Annexure P-3 is taken on record.

Main case

4. This is the first petition filed under Section 439, Cr.P.C. seeking grant of post-arrest bail in:-

FIR No.	Dated	Police Station	Sections
149	27.06.2022	City Sri Muktsar Sahib, District Sri Muktsar Sahib	21 (c) of NPDS Act (Section 29 of NDPS Act was added later on vide DDR No.18 dated 30.06.2022)



5. Version of the prosecution is that during routine patrolling, physical search of a young man was conducted on suspicion. He was carrying a transparent polythene bag, which he threw on the road. The bag contained tablets and on analysis, it was found that they contains salt *Tramadol*. The young man identified himself as Lovepreet Singh @ Babla and he was arrested at the spot.

6. Counsel for the petitioner has contended that no recovery has been effected from the petitioner and he has been nominated on the basis of a disclosure statement of co-accused, Lovepreet Singh @ Babla, who was searched on suspicion. Counsel submits that the petitioner has been falsely implicated in some criminal cases by the police due to personal enmity. He states that petitioner has been nominated in three other criminal cases for offences under the NDPS Act on the basis of the disclosure statement. He submits that charge has been framed against the petitioner vide order dated 05.10.2024, Annexure P-3, and the trial is at an early stage with a little possibility of its immediate conclusion.

7. *Per contra*, State counsel, upon instructions from HC, Baljinder Singh, has opposed the petition. He has filed Custody Certificate dated 02.02.2025, which is taken on record. While highlighting the criminal past of the petitioner, State counsel asserts that 4420 tablets of *Tramadol Hydrochloride* have been recovered from co-accused, Lovepreet Singh @ Babla, who has suffered a disclosure statement that he had made purchase from the present petitioner, who is related to him. State counsel has invited the attention of the Court to Section 37 of the NDPS Act while opposing the prayer made in the petition.



8. I have heard counsel for the parties and considered their respective submissions.

9. In *Dharamveer and another Versus State of Punjab, 2015 SCC Online P&H 5526*, a Division Bench of this Court has held that where no recovery is effected from an accused, the rigor of Section 37 of the NDPS Act will not apply. Petitioner has been in custody for the last almost 14 months and the trial is at a nascent stage. Undoubtedly, he is involved in some other criminal cases, but as no recovery has been effected from him, he cannot be kept in detention till the conclusion of the trial. This Court is, therefore, *prima-facie* of the view that the petitioner is entitled to be released on bail.

10. Without adverting to the merits or demerits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate/Trial Court concerned.

11. Nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

03.02.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No