

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

2025.PHHC.117458



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CRM-M-34764-2025

Date of decision: 01.09.2025

Hardev Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Satnam Singh, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG, Punjab.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of BNSS 2023 for grant of regular bail to the petitioner in case bearing FIR No.0086 dated 19.04.2025, registered for the offences punishable under Sections 22, 29 of NDPS Act and Section 111 of BNS, 2023 at Police Station Tanda, District Hoshiarpur.
2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

To, The Station House Officer, Police Station Tanda. Jai Hind, Today, I, along with ASI Maninder Kaur (No. 1298/Hoshiarpur), ASI Lok Ram (No. 19/Hoshiarpur), ASI Sita Ram (No. 945/Hoshiarpur), and PHG Vijay Kumar (No. 26115), were on routine patrol duty in a government Bolero vehicle bearing registration number PB-65-BC-2440, equipped with a laptop and printer, heading from Police Post Basti Bohrian towards village Bhulpur in connection with suspicious persons' checking. When our police party reached a little ahead of the gate on the road leading from the main GT road to village Kulpur, we observed one male and one female approaching on

foot from the direction of village Bhulpur. Upon seeing the police party, both suddenly appeared nervous and quickly turned back. While turning, the man threw a heavy black polythene packet from his right hand to the side of the road near a dust heap. Similarly, the woman also threw a heavy black polythene packet from her left hand in the same manner. On the basis of suspicion, I, ASI Rajesh Kumar, with the help of my fellow officials, apprehended both individuals. Upon inquiry, the male identified himself as Hardeep Singh, son of Gurmukh Singh, and the woman as Jasvir Kaur, wife of Hardeep Singh, both residents of Rarra Mand, Police Station Tanda, District Hoshiarpur. When asked about the contents of the packets they had thrown, Hardeep Singh stated that his packet contained intoxicant tablets, and Jasvir Kaur stated that hers contained intoxicant capsules. I, ASI Rajesh Kumar, No. 732/Hoshiarpur, posted at Police Post Basti Bohrian, Police Station Tanda, in uniform and with nameplate displayed, informed them of their legal right under Section 50 of the NDPS Act that they can have the search of the packets conducted before a Magistrate or a Gazetted Officer, or if they consent, the search can be done by me on the spot. Accordingly, I issued separate notices under Section 50 of the NDPS Act to both accused persons. Both Hardeep Singh and Jasvir Kaur gave their written consent authorizing me to conduct the search. Public witnesses were attempted to be joined from the vicinity, but all passersby expressed their inability to participate. Thereafter, in the presence of the accompanying police personnel, both packets were opened and checked. As per Hardeep Singh's disclosure, his packet contained 605 orange-colored intoxicant tablets, and as per Jasvir Kaur's disclosure, her packet contained 61 blue-colored intoxicant capsules with the marking "PROXYCO SPAS." The recovered items 605 orange tablets and 61 blue capsules were sealed in separate parcels using my seal marked "RK", and sample seals were prepared. The sealed parcels were handed over to ASI Lok Ram (No. 19/Hoshiarpur) for safe custody. The recovered articles were taken into police possession as case property under a separate seizure memo. By possessing these substances, Hardeep Singh and Jasvir Kaur have committed an offence punishable under Sections 22, 29, and 61-85 of the NDPS

Act, and Section 111 of the Bharatiya Nyaya Sanhita (BNS). The present "ruqqa" (report) is being typed and sent to the police station through PHG Vijay Kumar (No. 26115) for the registration of a formal FIR. After registration of the case, please inform the undersigned of the FIR number. Special reports shall be prepared and sent to the concerned Area Magistrate and senior officers. 1, ASI Rajesh Kumar, along with my team, remain engaged in further investigation. Signed/- Rajesh Kumar, ASI Incharge, Police Post Basti Bohrian Police Station Tanda, Date: 19-04-2025. Time: 01:20 AM. Place: Village Bhulpur. Upon receipt of the written report at the police station, a formal case has been registered. A true copy of the FIR and original documents are being sent with PHG Arinde and entrusted to ASI for investigation. Special reports are being dispatched to the concerned Area Magistrate and senior officers through ASI Sukhwinder Singh, No.373/Hoshiarpur. The control room is being informed through wireless and Email."

3. Learned counsel appearing for the petitioner has submitted that the petitioner is in custody since 19.04.2025. He has further iterated that the petitioner has been falsely implicated into the FIR in question. 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 for the petitioner has further iterated that FSL has been received on 30.08.2025 and as per the said FSL report the contraband alleged to have been recovered from the petitioner is non-commercial in nature. Thus, regular bail is prayed for.

4. Learned State counsel has filed short reply by way of affidavit of Shri Davinder Singh, PPS, Deputy Superintendent of Police, Sub-Division, Tanda, District Hoshiarpur. Copy of the FSL report dated 30.08.2025 is also appended with the said reply as Annexure R-1.

Raising submissions in tandem with the said reply, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature, who is involved in trafficking of narcotic substance and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 29.08.2025 in Court, 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 arrested on 19.04.2025 and is in continuous custody since then. The rival contentions raised at Bar give rise to debatable issues 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. It is not disputed that the contraband alleged to have been recovered from the petitioner is non-commercial in nature.

6.1. As per custody certificate dated 29.08.2025 filed by the learned State counsel, the petitioner has already suffered incarceration more than 4 months. Further, as per the said custody certificate the petitioner is stated to be involved in another FIR pertaining to Excise Act. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by

rationcinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. In view of the above, the petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/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 cell phone 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/Illaq 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 she has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after her being enlarged on bail in the present FIR, on the basis of her affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of her 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 CJM/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

September 01, 2025
Naveen

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