



CRM-M-36613-2025

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

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CRM-M-36613-2025

Decided on :11.12.2025

Harjinder Singh @ Jinder

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manjinder Singh Saini, Advocate for the petitioner.

Mr. Jasdeep Singh, Addl. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present third petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No. 0008 dated 02.02.2025, under Section 18/61/85 of NDPS Act (Section 31 of NDPS Act was added later on), registered at Police Station City Banga, District SBS Nagar, Punjab.

2. As per the case of the prosecution, petitioner, while traveling with his wife, namely **Kulwinder Kaur**, was driving a Verna car bearing registration number **PB78-A-8407**, when he was apprehended. Thereupon, from the armrest of the car, a red bag in khaki bag was noticed. Upon opening the bag, a sealed transparent packet was found containing opium wrapped in transparent plastic. The recovered quantity of opium was **1.500 kg**.

3. Learned counsel for the petitioner contends that petitioner is inside jail for over **10 months**, whereas co-accused, namely **Kulwinder**



Kaur, has already been granted bail by this Court vide order dated **26.05.2025** in **CRM-M-20606-2025**.

4. Counsel further contends that petitioner cannot be held liable for the alleged offence in the absence of any cogent evidence establishing his conscious possession of the contraband. At the time of recovery, bag was found inside the armrest, and therefore, there is a strong possibility that petitioner had no prior knowledge of the contraband. Moreover, involvement of the petitioner is not distinguishable from that of his co-passenger/co-accused, Kulwinder Kaur, who has already been released on bail.

It is also submitted that recovered quantity of opium (**1.500 kg**) is less than the commercial quantity i.e. **2.5 kg**. Thus, on the grounds of prolonged incarceration and the slow pace of trial, counsel prays for grant of regular bail.

5. On the other hand, learned State counsel produced the custody certificate concerning the petitioner and the status report in Court today. The same are taken on record. Learned State counsel submits that, apart from the instant case, the petitioner is involved in several other cases, in some of which he has already been convicted. In support of this, learned State counsel refers to **paragraph No. 03** of the status report dated **10.12.2025**, which reads as under:

Sr. No.	Registered FIR/Case	Present Status of the FIR/Case
1	FIR No. 41 dated 21.01.2006, under Section 420, 468, 471, & Section 12 PP Act, PS IGI Airport Delhi	Convicted on 18.04.2012
2	FIR No. 51 dated 18.03.2006, under Section 15 of NDPS Act, PS Banga	Convicted on 08.05.2012



3	FIR No. 297 dated 31.10.2009, under Section 15 & 21 NDPS Act PS Banga	Convicted on 20.05.2013
4	FIR No.70 dated 01.07.2015, under Section 15 & 29 of NDPS Act, PS Sadar Banga	Acquitted on 08.12.2018
5	FIR No.143 dated 12.08.2021, uner Section 15 of NDPS Act, PS Mahilpur	Convicted on 02.12.2022
6	FIR No.77 dated 20.08.2023, under Section 18 of NDPS Act, PS Sadar Banga	Trial is pending and fixed for 06.02.2026

6. I have heard the learned counsel for the parties and have carefully perused the paper book along with the documents appended thereto.

7. It is not in dispute that the petitioner is inside jail for over **10 months** and that, out of a total of **14 prosecution witnesses**, none has been examined till date. In all probability, conclusion of the trial is likely to take considerable time. Moreover, co-accused, namely **Kulwinder Kaur**, has already been released on bail.

While considering the plea for bail, this Court has not overlooked the fact that, nowadays, drug trafficking is more prevalent, particularly with regard to synthetic drugs, which are significantly more harmful and toxic to the human body. However, from the information presented by the State in its status report, it appears that all the cases under the NDPS Act against the petitioner pertain to the recovery of poppy husk or opium. To date, there is no record of the petitioner being involved in the illegal trade of synthetic drugs such as heroin, smack, ice, methamphetamine, cocaine, etc.

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Considering the total period of incarceration, slow pace of the trial, quantity of the contraband involved, and the fact that co-accused similarly situated have already been granted bail, this Court finds merit in the prayer of the petitioner. Consequently, present petition is allowed.

Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

11.12.2025*Rashmi*

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*