

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

2025:PHHC:096827



**118-A**

**CRM-M-36518-2025**

**Date of decision: 31.07.2025**

**Rohit Kumar @ Sunny @ Prince**

**....Petitioner**

V/s

**State of Punjab**

**....Respondent**

**CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Ankit Kharbanda, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG, Punjab.

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**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.0058 dated 11.05.2025 registered for the offences punishable under Section 21(b), 25, 27A and 29 of NDPS Act, 1985 (Section 29 of NPDS Act, 1985 added lateron) at Police Station Sultanwind, District Amritsar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

*“Station House Officer, Police Station Sultanwind, Amritsar,  
"Jai Hind" Today myself SI along with ASI Avtar Singh No.  
3731, ASI Vikramjit Singh No. 3259, ASI Gurdev Singh No.  
3472 along with private laptop printer, while riding on a*

government car bearing number PB 65-BG-5228, the driver of which is HC Manjinder Singh No. 1411, in relation to patrolling and search of suspicious persons were heading towards railway lines Mohalla Arjun Nagar from the police station, when the police party while patrolling reached opposite to Gali Number 3 Mohalla Guru Arjun Dev Nagar, then from one narrow street three shorn-haired young men, while riding on one motorcycle make Splendor bearing number PB06-T-3222 headed towards Gali Number 3, out of whom the young man who was riding pillion on the last seat was holding some article being contained in one black colored polythene bag, who on suddenly seeing the police party coming from the opposite direction, after being perplexed, after stopping the motorcycle attempted to run away, whom myself SI on the basis of suspicion after apprehending them, after apprehending the young man who was riding pillion on the last seat while he was throwing the black colored polythene bag which he was holding in his right hand, while getting hold of him from his wrist with the help of fellow officials, myself SI asked him about the substance present in the polythene bag, who verbally said that it contains Heroin and some cash. The recovery of Heroin being a chance recovery, therefore other formalities could not be complied with. Upon which myself si attempted to join anyone from public of Mohalla Guru Arjun Dev Nagar as witness with the police party, but due to being of same city everyone expressed their helplessness and no one joined the police party. Upon which myself SI after getting started the videography by HC Manjinder Singh No. 1411 on my mobile phone on E Sakshya App, myself SI asked the young men turn-wise their names, upon which the young man who was riding pillion on the last seat of the motorcycle told his name as Paramdeep Singh @ Raja son of Paramjit Singh resident of House Number 510, Gali Number 3, Guru Arjun Dev Nagar, Tarn Taran Road, Amritsar and the young man who was riding pillion on the middle seat told his name as Rohit Kumar@ Sunny son of Simran Singh, resident of Government Quarters, Village Mule Chak, District Amritsar and the young man who was driving the motorcycle told his name as Palwinder Singh @ Prince son of Sarabjit Singh

resident of Bhai Veer Singh Colony, Village Mule Chak, District Amritsar, the personal search of whom was got conducted turn-wise by myself SI from Constable Akashdeep Singh 1296. During the personal search, from the right pocket of the trousers which the accused Rohit Kumar @ Sunny was wearing, one electronic weighing machine (Electronic Kanda) which is used for the purpose of weighing Heroin, was recovered. And the accused could not produce any document regarding the ownership of the motorcycle. Upon which myself SI weighed the recovered Heroin along with the transparent polythene bag upon our electronic weighing machine (Electronic Kanda), which along with the transparent polythene bag weighed 45 grams of Heroin and myself SI counted the recovered cash, which were 4 notes of Rs. 500/- and 5 notes of Rs.200/-, total drug money recovered was Rs.3,000/- Indian currency. That after putting the recovered 45 grams of Heroin along with the transparent polythene bag in one plastic container and after putting the plastic container into one cloth bag, after preparing the parcel, myself SI sealed the parcel Heroin with my alphabetical stamp SS and after putting the recovered drug money into the same black colored polythene bag and after putting the same in one cloth bag, after preparing the parcel, sealed it with my alphabetical stamp SS on the spot. Sample stamp SS was prepared separately and Form No. 04 was complied with and the stamp after use was handed over to ASI Avtar Singh No. 3731/ASR. That the parcel of recovered 45 grams of Heroin and parcel of Rs. 3,000/- drug money along with the sample stamp, Form No. 04 and along with the recovered electronic weighing machine (Electronic Kanda) and the recovered motorcycle bearing number PB06-T-3222 were taken into police possession vide separate recovery memo, the recovery memo was prepared accordingly and upon the recovery memo, the above-said accused persons put their respective signatures and the witness put their respective witnesses. That the accused Paramdeep Singh @ Raja, Rohit Kumar Sunny and Palwinder Singh @ Prince above said after keeping in their possession 45 grams of Heroin and Rs. 3,000/- Indian currency as drug money and one electronic weighing machine (Electronic

*Kanda) have committed an offence punishable under Section 21-B/25/27-A/61/85 NDPS Act. Therefore, ruqa after being prepared, after taking its print out, was sent to the police station by hand HC Manjinder Singh No. 1411 for registration of the case/F.I.R. After registering the case/F.I.R, case/F.I.R number may kindly be informed. Special reports after being prepared may kindly be sent for the consideration of Illaqa Magistrate and Senior Officers and control room may kindly be informed. Myself SI along with fellow officials are busy investigating on the spot. Today within area Gali Number 3, Guru Arjun Dev Nagar, Time 7:00 P.M. Sd/- Sulakhan Singh SI, Police Station Sultanwind, Amritsar City dated 11-05-2025.”*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 11.05.2025. Learned counsel for the petitioner has further argued that prime allegations against the petitioner are that 45gms of heroine, Rs.3,000/- of drug money and one weighing scale have been recovered from him. Learned counsel for the petitioner has further iterated that the contraband alleged to have been recovered from the petitioner is non-commercial in nature and the police has falsely foisted the recovery of Rs.3,000/- upon the petitioner as drug money only in order to invoke the rigors of Section 37 of NDPS Act. Thus, regular bail is prayed for.

4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed. Learned State counsel seeks to place on record custody certificate dated 31.07.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 11.05.2025. The conclusion of investigation as also trial emanating therefrom, if occasion so arises, will take its own time. It is not in dispute that the contraband recovered from the petitioner is 45gms of heroine, which is non-commercial in nature. Further, the invocation of Section 27A of NDPS Act is on account of alleged recovery of Rs.3,000/- shown to be as drug money, but the basis thereof is confessional statement of the present petitioner. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage lest it may prejudice the rights of either of the parties. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 31.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration 2 months and 18 days. Further, as per the said custody certificate the petitioner is stated to be not involved in any other criminal case.

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

7. Accordingly, keeping in view the entirety and totality of facts and circumstances of the case; especially the factum the complainant has not supported the case of the prosecution, this Court proceeds to consider favourably the plea for grant of bail to the petitioner. Suffice to say, the further detention of the petitioner in custody is not required in the facts and

circumstances of the case. The 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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

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

July 31, 2025  
*Naveen*

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