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THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.36996 of 2025

Harjit Singh @ Sona
..... Petitioner
versus
State of Punjab
..... Respondent

CRM-M No.51511 of 2025

Judge Singh @ Jai Singh
.....Petitioner
versus
State of Punjab
..... Respondent

Date of decision: 26.11.2025

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rishu Mahajan, Advocate
for the petitioner in CRM-M-36996-2025.

Mr. Lovish Rattan, Advocate
for the petitioner in CRM-M-51511-2025.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (ORAL)

1. By this order, I dispose of the above mentioned two petitions arising out of the same FIR.

2. Both the petitions have been filed praying for the grant of regular bail to the petitioners in case bearing FIR No.19, dated 09.03.2025, under Sections 22, 27-A, 29 of NDPS Act, registered at Police Station Sultanwind, District Amritsar.

3. Succinctly the facts of the case are that the police party, while on patrolling on 09.03.2025, saw two young persons coming, who, on



seeing the police, got perplexed and tried to escape. One of them was holding polythene bag and tried to throw the same. However, with the help of police officials, both were apprehended. On asking, they disclosed their names to be Harjit Singh @ Sona (petitioner in CRM-M-36996-2025) and Judge Singh @ Jai Singh (petitioner in CRM-M-51511-2025). They were suspected to be carrying some contraband in the polythene bag being carried by Judge Singh @ Jai Singh (petitioner in CRM-M-51511-2025) and thus, search of the same was conducted. On conducting the search of the polythene bag, 428 loose intoxicant tablets and the drug money of Rs.29,400/- were recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On receipt of the FSL report, 428 intoxicant tablets were found to be containing Tramadol weighing 124.976 grams. Thus, the challan was presented and on framing of charges, the trial commenced. The petitioners approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail applications filed by both the petitioners vide orders dated 23.06.2025 and 12.08.2025. Hence being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of regular bail.

4. Learned counsel for the petitioners have vehemently contended that the petitioners have been falsely implicated in the present case. They have submitted that the alleged recovery has been effected



from the public place, however no independent witness has been joined. They have submitted that there is a blatant violation of mandatory provisions of Section 50 of NDPS Act in conducting the search. To buttress their arguments, they have submitted that the petitioners have no criminal antecedents as they have never been involved in any other case. They have submitted that even otherwise, the alleged recovered contraband weighs 124.976 grams of Tramadol is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. They have submitted that the petitioners are behind bars since 09.03.2025. They have thus submitted that in the facts and circumstances, both the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioners. He has submitted that on due compliance of provisions of NDPS Act, the recovery has been effected from the petitioners. He has submitted that both were together and the petitioner, namely, Judge Singh @ Jaj Singh was carrying a bag and thus, conscious possession is duly proved. He, on instructions, has submitted that out of total 12 prosecution witnesses, no witness has been examined so far. He has not disputed the fact that the recovered contraband is 124.976 grams of Tramadol, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has produced custody certificates of both the petitioners today in the Court and the same are taken on record.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is deciphered that both the petitioners were arrested on the spot



on 09.03.2025. The recovery effected in the present case is 124.976 grams of Tramadol, which is a non commercial quantity, Out of total 12 prosecution witnesses, no witness has been examined so far. Custody certificates produced would show that the petitioners have suffered incarceration of 08 months and 13 days as on 25.11.2025. It further reflects that the petitioners are not involved in any other case.

8. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsels for the petitioners succeed in making out a case for the grant of bail.

10. Accordingly, both the petitions are allowed and the petitioners, namely, Harjit Singh @ Sona (in CRM-M-36996-2025) and Judge Singh @ Jaj Singh (in CRM-M-51511-2025) are ordered to be released on bail on their furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

26.11.2025

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Whether speaking/reasoned :
Whether reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No