

2025:PHHC:094791



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

224

CRM M-38354-2025

Date of Decision:25.07.2025

Jagsir Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Charanjit Singh Bahia, Advocate, for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.SHEKHAWAT, J.

1. The petitioner has filed third petition under Section 439 of Cr.P.C. with a prayer to grant regular bail to him in case FIR No.0084 dated 06.06.2024 registered under Sections 22(c) of N.D.P.S. Act 1985 at Police Station STF SAS Nagar Mohali, Punjab.

2. The FIR in the present case has been registered on the basis of a rukka and the same has been reproduced below:-

"Copy of Ruqa. "SHO PS STF Sector-79 (Sohana) District S.A.S. Nagar, Fateh. Today I, ASI alongwith ASI Deshraj No. 1062/Bathinda, HC Rajinder Singh No. 5C/07, S/Ct. Maan Singh No. 1009/Mansa and PHG Phool Chand No. 10455 by riding Government Vehicle No. PB-02-CR-0767, which is driven by HC Rajinder

Singh No. 5C/07, and by taking along laptop, printer and other necessary equipment were going from Village Bhagiwander, towards Talwandi Sabo for patrolling, checking of suspicious persons and in search of drug smugglers. It was about 3:30 PM when police party reached bridge of canal (near Dashmesh school Talwandi Sabo District Bathinda) where on the right-hand side of police party alongside the wall of Dashmesh school, a hair-cut youth was checking and doing something with a black colored bag by placing it on the ground. On the basis of suspicion, I, ASI then asked HC Kulvir Singh No. 2/48 to stop the car and apprehended the youth having trimmed hair skull with help of co-employees alongwith black coloured bag whose mouth was open. As mouth of black colour bag was open, strips of white colour tablets could be clearly seen inside. Then I, ASI asked him about his name/ address. He disclosed his name as Jagsir Singh son of Sher Singh son of Arjun Singh resident of Village Jajjal PS Raman District Bathinda whose appearance is as under:- Age about 26 Years, Height 5'8", complexion fair, beard/skull hair trimmed, has worn lower T-shirt. Then I, ASI took all possible measures to join any private witness with police party but everybody expressed their helplessness. Then I, ASI said to afore-mentioned person that I have suspicion of having narcotic tablets in black colour bag which is under your possession whose mouth is open as strips of white colour strips can be seen inside it. Thus you and black colour open mouth polythene bag which is under your possession need to be searched, but you have legal right that if you want then you can give your search and search of black colour open mouth bag

which is under your possession in presence of any Gazetted Officer or any Magistrate Sahib at the spot or you alongwith black colour mouth open bag which is under your possession can be produced before either of them. Then he said that I have full faith on you, you can search me and black colour mouth open bag which is under my possession at the spot itself. Whereupon, separate Notices U/s 50 NDPS Act was issued to him and contents read out to him and after hearing and admitting the same as correct he signed on respective notice in punjabi and witnesses gave their signatures on notice. Then I, ASI prepared the consent memo and he read and admitted the same to be correct, he signed the memo in Punjabi. Then I, ASI checked the black colour polythene bag mouth open which was under possession of afore-mentioned persons and on counting total 300 strips of Tramowell-100 SR (Tramadol Hydrochloride USP 100 mg) Company Emit Bio Medix, Near Village Surajpur, P.O. Puruwala Kishanpur, Paonta Sahib Sirmour, Himachal-173025, having Batch No. mfg date and expiry date faded, each strip having 10 tablets, total 3000 tablets are recovered. Then I put recovered narcotic tablets in same polythene bag and prepared parcel of cloth and sealed the parcel with my stamp impression MS prepared sample seal separately. After use I handed over my stamp to HC Rajinder Singh No. 5C/07. Afore-mentioned sealed parcel alongwith sample seal is taken in police custody with memo. Afore-mentioned accused could not produce any permit or license at the spot in respect to keeping narcotic tablets under their possession. Afore-mentioned accused by keeping narcotic tablets under their possession have

committed an offence punishable under sections 22(C) NDPS Act. Therefore, Ruqa is being sent from Email ID rajinderbrarpolice898@gmail.com at official Email ID of PS STF SAS Nagar ps-stf.police@punjabpolice.gov.in for registration of FIR against afore-mentioned accused under afore-mentioned sections. Number be intimated after registration of FIR. Copy of FIR be sent at Email ID rajinderbrarpolice898@gmail.com so that special reports can be issued. Hard copy of Ruqa is also sent to you by the hand of PHG Phool Chand No. 10455. I, ASI alongwith police party am investigating at the spot. Now present in area of Village Jajjal District Bathinda at time 5:20 PM. Sd/- Major Singh ASI, Special Task Force, Bathinda Range Bathinda, Date 06.06.2024.”

3. Learned counsel for the petitioner contends that the petitioner is a qualified Ayurvedic practitioner and enjoys good reputation in the society. Even, the police had not followed the mandatory provisions of Section 50 of the NDPS Act and the recovery from the present petitioner stands vitiated. Further, the complainant himself is the Investigating Officer of the present case and he left no stone unturned in falsely involving the petitioner in the present case. Learned counsel further contends that there are 11 prosecution witnesses, however, no witness has been examined so far.

4. On the other hand, learned State counsel submits that in the present case 300 strips of Tramowell-100 SR (Tramadol Hydrochloride USP 100 mg) and each strip containing 10 tablets were recovered from the present petitioner. Thus, in all, 3000 tablets were recovered from him. Thus, this Court concurs with the findings

recorded by the trial Court that the quantity falls under the “commercial quantity” and the rigours of Section 37 of the NDPS Act would apply to the facts of the present case. Moreover, such crime is on the rise in the State of Punjab and in case such like persons are granted the concession of bail, they may misuse the concession of bail and may also indulge in similar activities.

5. Even otherwise, the petitioner has filed the third petition for grant of concession of regular bail to him and there has been no material change in the circumstances of the present case.

6. Thus, finding no merits, the present petition is ordered to be dismissed.

25.07.2025
amit rana

(N.S.SHEKHAWAT)
JUDGE

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