



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

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**CRM-M No.41218 of 2025
Date of decision : 2.9.2025**

Arshdeep Singh @ Abhi**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gursimran Singh Bhatia, Advocate, for the petitioner
(through VC)

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.97 dated 28.6.2024, under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station B-Division, Amritsar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'SHO Police Station B Division Amritsar "Ja Hind" today ASI along with ASI Balwinder Singh 1098, ASI Pawan Kumar 1855, S/Ct Jagroop Singh 3810, S/CT Jobanjit Singh 563 on government Bolero vehicle number PB-65-E-1923 whose driver ASI Amar Singh 3146 along with laptop and printer patrolled and searched the bad men were present at chownk Sultanwind that the special informant came and informed that Arshdeep Singh alias Abhi son of Lt. Amarjit Singh resident of village Sursingh,



Amritpal Singh alias Amrit son of Gurmail Singh resident of village Pahuwind and Gurwaryam Singh son of Baldev Singh resident of Chela Karnauli, Bhikhiwind are doing business of selling drugs and ice drugs together. These three persons are still sunding at T-point, nearby car parking. Kahian Wala Bazaar, with a consignment of ice drugs and are waiting for someone. If a raid is conducted now, the said persons can be caught along with ice drugs. Although this information is true, solid and reliable, the crime falls under Sections 22,29/61/85 of the NDPS Act. Therefore, a case is being registered by writing a Ruka and sent to S.Ct Jagroop Singh 3810 Police Station B Division and a separate report regarding this information is being sent through ASI Amar Singh 3146 in a sealed envelope under Section 42 of the NDPS Act to Sri Kuldeep Singh ACP-D Sahib. The case should be registered and the case number should be informed. Special reports should be issued and sent to the service of the Area Magistrate Sahib and other officers. The control room. should be informed. After understanding the situation of the informant Arshdeep Singh alias Abhi, Amritpal Singh alias Amrit and Gurwaryam Singh, the informant was discharged and the ASI informed the other officers about the informant's information and left for T-point, nearby car parking, Kahian Wala Bazaar. Today, Bahd Rakba Chowk Sultanwind AT 09:35 PM Correct/-Kawaljit Singh ASI CIA Staff-1 Amritsar City Date 28-06-2024 Mo 80548-85589.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 28.6.2024. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that mandatory provision of NDPS Act has not been complied with and therefore, the prosecution case suffers from inherent defects. Learned counsel has further argued that the contraband allegedly recovered from the petitioner is 52 grams of ice drug whereas threshold commercial quantity of the said drug is 50 grams. Learned counsel has further argued that the contraband has not been properly weighed and thus the same cannot be said to be commercial quantity. Thus, regular bail is



prayed for.

4. Learned State counsel 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 the regular bail. Learned State counsel has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 1.9.2025 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 was arrested on 28.6.2024 wherein after investigation was carried out and challan stands presented on 19.12.2024. It is not in dispute that total 15 prosecution witnesses have been cited out of which only 2 have been examined till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which 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.

As per custody certificate dated 1.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of



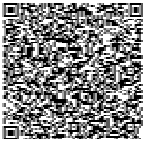
about one year and two months & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he 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 his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his 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.

(SUMEET GOEL)
JUDGE

2.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No