



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

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**CRM-M-42060-2025
Date of decision: 03.09.2025**

MALKIT SINGH ALIAS MEETAPetitioner

VERSUS

STATE OF PUNJABRespondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Hakam Singh, Advocate
for the petitioner.

Mr. I.P.S Sabharwal, DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant second petition is for seeking concession of regular bail in case bearing FIR No. 181 dated 27.09.2023 under Sections 21, 23, 25 and 29 of the NDPS Act, 1985, registered at Police Station Gharinda, District Amritsar (Rural).

2. Briefly summarized, facts of the case are that on 27.09.2023, the BSF and Punjab Police officials carried out a joint operation when at 13:20 hours, a suspected sound of an outgoing flying object to Pakistan was heard at the border. After surrounding the suspected area, the officials conducted a search and apprehended the petitioner, Malkit Singh, with one mobile phone. Meanwhile, his accomplice, co-accused Shamsher Singh,

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managed to flee despite being chased by the sleuths. The petitioner disclosed that they had been collecting Heroin in a farm field 500 metres behind the border fencing. During the search, one bike of the make Hero Honda no. PB02-DS-2011 and 1 white coloured plastic bag containing 2 bottles (suspected to be Heroin with each bottle wrapped in yellow coloured tape), were recovered. When the lids of the bottles were opened, on weighing, a recovery of 355 grams of Heroin was made from one bottle, while a recovery of 354 grams of Heroin was made from the other bottle. Thereafter, the petitioner-Malkit Singh got recovered another packet of 370 grams of Heroin from his fields on his disclosure statement. Record further reveals that the petitioner disclosed that the said Heroin was procured by way of drone by co-accused Shamsher Singh after making a call to one Maraan, hailing from Pakistan and that the said Heroin was to be supplied to Deesha, resident of Chheharta, Amritsar and another person named Moosa, whose address he did not know. During the investigation on 23.10.2023, co-accused Shamsher Singh was arrested. In this way, a net recovery of about 1 kg of Heroin was effected in the present case. As per the report of FSL, Diacetylmorphine was detected in the sample parcel. There was nothing on record, at that stage, except for the bald assertions of the accused that the prosecution's version was unfounded and that he had been falsely implicated.

3. Learned Counsel appearing on behalf of the petitioner contends that there is no direct evidence that would link the petitioner to the aforesaid recovery. He contends that some packets of Heroin had been dropped by a

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drone in the fields of the petitioner and there is no link evidence as would establish the involvement of the petitioner in procuring the recovered Heroin. He further contends that only one other case has been registered against the petitioner under the NDPS Act and that he is not involved in any other criminal cases. It is further argued that only one witness has been examined so far in the abovesaid case despite the petitioner having undergone a custody of nearly 02 years. He submits that no record pertaining to the petitioner's telephonic conversation with any link in Pakistan exists so as to source the recovered Heroin. He submits that the recovery is not from the petitioner's conscious possession, hence, the same cannot be linked to him.

4. Learned State Counsel, on the other hand, contends that the petitioner has made a false declaration with respect to registration of only one other case, while two other cases under the NDPS Act have been registered against the petitioner apart from the present case. One being FIR No. 138 dated 03.10.2017, in which 50 grams of Heroin was recovered from the petitioner along with cash recovery of Rs. 1.5 lakhs and a mobile. The second FIR No. 03 of 2022 was registered on the recovery of 150 grams of Heroin from the petitioner. He submits that even though the petitioner contends that the Heroin had been dropped by a drone, however, at the first instance, two packets were recovered from the fields and a third packet weighing 370 grams was recovered at the disclosure of the petitioner. The said information being personal, the recovery would thus stand against the petitioner. He contends that the petitioner is involved in the commission of



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similar offences and that while on other occasions, intermediate quantities of Heroin had been recovered, in the present case, a commercial quantity has been recovered at the disclosure of the petitioner. He thus contends that the bar under Section 37 of the NDPS Act would apply against the petitioner.

5. I have heard learned Counsel appearing on behalf of the petitioner and have gone through the documents appended along with the present petition.

6. Taking into consideration the fact that the petitioner has been nominated as an accused in three FIRs, including the instant FIR wherein the recovery of 370 grams, i.e. commercial quantity, has been effected at the disclosure of the petitioner, I deem it appropriate to dismiss the present petition in view of the statutory bar under Section 37. There are no sufficient reasons for this Court to record a satisfaction that there is no likelihood of the petitioner being involved in the commission of any other similar offence, taking into consideration the antecedents of the petitioner.

The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

SEPTEMBER 03, 2025
Vishal Sharma

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