



215 (2<sup>nd</sup> case)

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

**CRM-M-46165-2024 (O&M)**

**Date of decision: 26.05.2025**

Sahib Dawinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Mr. Madhur Singh, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

**MAHABIR SINGH SINDHU, J.**

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.'), for grant of bail pending trial to the petitioner in FIR No.40 dated 11.04.2024, under Section 22 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Section 29 of NDPS Act added later on), registered at Police Station City Patti, District Tarn Taran.

2. Allegations are that 28020 tablets of Diphenoxylate Hydrochloride & Atropine Sulphate were recovered from the mirror box of the bus; petitioner was the conductor and co-accused was driver of the bus at relevant time.



3. Contends that petitioner remained in custody from 13.04.2024 to 30.01.2025 and he was granted interim bail by this Court on 30.01.2025 and has not misused the concession in any manner.

3.1 Also contends that there is no apprehension that petitioner is likely to pressurize the prosecution witnesses and/or hamper the trial, in any manner.

4. Learned State Counsel, on instructions, has fairly acknowledged the above factual position, but opposed the prayer on the premise that allegations against the petitioner are serious in nature.

5. Heard learned counsel for both the sides and perused the paper book.

6. It is a matter of record that petitioner was granted interim bail by this Court on 30.01.2025 and the order reads as under:-

*“Status report by way of affidavit dated 29.01.2025 of Mr. Nirmal Singh, PPS, Deputy Superintendent of Police, Crime against Women and Children, District Tarn Taran, on behalf of respondent-State has been filed and the same is taken on record. Copy supplied to the other side.*

*Registry to tag the same at appropriate place.*

*Contends, inter alia, that petitioner was nominated on the basis of disclosure made by co-accused Harjinder Singh, who has been granted interim concession by this Court vide order of even date.*

*Posted for 17.03.2025.*

*In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on furnishing adequate bail and surety bonds subject to the*



*satisfaction of learned Special Court/CJM/Duty Magistrate concerned.*

*To be heard along with CRM-M-46090-2024.”*

7. It is not in dispute that petitioner remained in custody from 13.04.2024 to 30.01.2025 and after granting interim bail vide order dated 30.01.2025, he never misused the concession. It transpires that petitioner was nominated on the basis of disclosure made by co-accused Harjinder Singh. Further transpires that petitioner was granted interim bail on the premise that, *prima facie*, wrong procedure was adopted by the Inspector of Roadways while acting as a police official. Even today, learned State counsel has failed to show as to whether Inspector of Roadways was competent to seize the contraband under the NDPS Act. Therefore, it would be a debatable question, during trial, as to whether the petitioner was found in conscious possession of contraband and the same was recovered by the authorized person.

8. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 30.01.2025, is made absolute. Petitioner shall be admitted to bail on furnishing bail/surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall appear on each & every date of hearing and to fully co-operate with the learned Special Court without seeking any unnecessary adjournment(s).

10. Above observations be not construed as an expression of opinion on merits of case, in any manner.



11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

**26.05.2025**

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

d.gulati

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