



CRM-M-43778-2025

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

CRM-M-43778-2025

Date of Decision: 22.08.2025

Harmanjit Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Veer Vikram Singh Mann, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present third petition praying for grant of regular bail in case FIR No.56 dated 28.09.2019 under Sections 21, 22, 25 of NDPS, 1985 and Section 25 of Arms Act, (Sections 29, 61, 85 of NDPS Act, Sections 54 & 59 of Arms Act and Sections of 181, 182 & 192 of Motor Vehicles Act added lateron), registered at Police Station Sadar Kuarli, District Mohali.

2. Succinctly, facts of the case are that on 28.09.2019, the police party received a secret information to the effect that Dharamvir Singh @ Bhola is involved in selling and buying heroin and intoxicant injections. It was informed that he has kept the contraband in his white coloured Scorpio car, which is parked in his animal shed farm. In case of raid, he could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and house of Dharamvir Singh @ Bhola was raided, from where 28 injections of Buprenorphine, 28 injections of Avil and 35 grams of heroin alongwith Rs.3,15,000/- as drug money and one pistol were recovered. He failed to produce any licence regarding the possession of the same and thus, on registration of the FIR, he was arrested. The investigation commenced. During the investigation, Dharamvir Singh @



Bhola made a disclosure about the petitioner having sold the contraband to him. Thus, the petitioner, namely, Harmanjit Singh was also arrayed as an accused and he was arrested on 30.09.2019 and from his personal search 50 grams of heroin was recovered. He could not show any licence regarding the possession of the same. On completion of the investigation, challan was presented. The petitioner was granted regular bail by this Court vide order dated 27.10.2020, however, as he remained absent from the trial Court, his bail was cancelled vide order dated 17.08.2022 and thereafter, he was arrested on 08.05.2023 and since then he is behind bars. He approached the Court of learned Additional Sessions Judge, SAS Nagar praying for grant of regular bail. After hearing both the sides, learned Court declined the same vide order dated 07.01.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that the petitioner has been arrayed as an accused on the disclosure statement of the co-accused, which is not even an admissible evidence. He has submitted that the alleged recovery of 50 grams of heroin has been planted upon the petitioner. He submits that recovery has been shown from the personal search of the petitioner and thus, there is a violation of Section 50 of the NDPS Act. It is submitted that the petitioner was already granted bail by this Court vide order dated 27.10.2020, however, he remained absent only on one date before the trial Court and thus, bail was cancelled on 17.08.2022. He submits that the petitioner is behind bars since 08.05.2023 and thus, has completed incarceration of more



than three years, but there is no material progress in the trial. He further submits that all the co-accused have already been granted bail. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that petitioner was granted bail, however, he misused the concession of the bail and thus, the same was cancelled. He submits that the petitioner is a habitual offender as he has never been involved in other cases. It is submitted that out of total 30 prosecution witnesses, 06 witnesses have been examined till date. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner was initially granted bail by this Court vide order dated 27.10.2020, but as he remained absent from the trial Court, his bail was cancelled vide order dated 17.08.2022. Thereafter, he was arrested on 08.05.2023 and since then he is behind bars. As submitted before this Court, 06 witnesses have been examined out of 30 prosecution witnesses. Custody certificate of the petitioner shows that he has suffered incarceration of 03 years, 04 months & 23 days as 19.08.2025. Though the petitioner is involved in four other cases, however, he is on bail in those cases.

6. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned



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counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.08.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE
Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No