

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

2025:PHHC:172487



CRM-M-44968-2025 (O&M)
Date of decision: 10.12.2025.

ISHANT SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. Surinder Thakur, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.155 dated 22.06.2025, under Section(s) 22/29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Model Town, Hoshiarpur, District Hoshiarpur.

2 The complaint leading to the registration of the aforesaid FIR is as under: -

*To, SHO, PS Model Town, Hoshiarpur, Jai Hind. Today
I, ASI alongwith HC Sandeep Kumar Bahti No. 1487/Hosh. (Civil*

Dress), Ct. Akvinder Singh No. 490/Hosh. (Civil Dress), PHC Ranbir Singh 25705 on private vehicles carrying Laptop, Printer and investigating kit, were going from Scheme No.2 towards Mohalla Sunder Nagar in connection with patrolling and checking of bad elements and when the police party reached just ahead of Scheme No.2, two clean shaven young boys were seen coming from the side of Mohalla Sunder Nagar, who on seeing the police party became perplexed and turned back at once and while turning back the first boy took out a polythene bag from the right side pocket of his trouser and thrown the same on the left side of the road and the second boy took out a polythene bag from the right pocket of his pant and thrown the same on the side of the road. I ASI with the help of my companion employees nabbed them and enquired about their names and addresses and the first boy informed his name as Ishant Singh son of Jatinder Singh resident of Ward No. 16 Near Desh Bhagat College, Mohalla New Fatehgarh, PS Model Town, Hoshiarpur and the second boy informed his name as Pawan Kuamr son of Dinesh Shah, resident of Street no.6, Mohall Sarup Nagar, PS Model Town, Hoshiarpur. I ASI informed them about my identity and told them that I am ASI Sushil Singh No. 1222/Hoshiarpur am posted as Investigating officer CIA Staff, Hoshiarpur. I have worn my uniform and my uniform bears my name plate and the entire police party accompanying me is from CIA Staff, Hoshiarpur. I have suspicion that there is some intoxicant substance in the black coloured polythene bags which you had thrown on the road. Therefore, the said black coloured polythene bags which you had thrown on the road are to be searched. But you have the right that if you want to get the said black coloured polythene bags searched in the presence of some nearby Magistrate or Gazetted Officer, then arrangements can be made. You can be taken to them alongwith polythene bags. On this Ishant Singh son of Jatinder Singh resident of Ward No.16 Near Desh Bhagat College, Mohalla New Fatehgarh, PS Model Town, Hoshiarpur

and Pawan Kumar son of Dinesh Shah, resident of Street no.6. Mohalla Sarup Nagar, PS Model Town, Hoshiarpur said that they repose faith upon us and we can get black coloured polythene bags searched at our own. They were served with separate notices under Section 50 of NDPS Act. which were signed by Ishant Singh and Pawan Kumar and the witnesses attested the same. Separate memos were prepared thereof. Ishant Singh and Pawan Kumar put their signatures upon the memos of consent and the witnesses attested the same. Before searching the heavy black coloured polythene bags thrown on the ground by Ishant Singh and Pawan Kumar, efforts were made to join a public witness, but everyone shown their personal compulsions. Then I ASI in the presence of companion employees picked the polythene bag from the road which was thrown by Ishant Singh aforementioned and opened it and upon checking the same, in another transparent polythene bag therein loose intoxicant tablets were recovered, which on counting were found to be 220 in number. The recovered tablets were put in a separate plastic box and a parcel was prepared, which was stamped by myself ASI with my seal SS. Then I ASI in the presence of companion employees picked the polythene bag from the road which was thrown by Pawan Kumar aforementioned and opened it and upon checking the same, in another transparent polythene bag therein loose intoxicant tablets were recovered, which on counting were found to be 200 in number color white. The recovered tablets were put in a separate plastic box and a parcel was prepared, which was stamped by myself ASI with my seal SS and the sample seal was prepared separately and the seal after use was handed over to HC Sandeep Kumar Bahti No. 1487/HPR. The recovered 420 loose intoxicant tablets were taken into police possession vide memo of recovery. Accused Ishant Singh son of Jatinder Singh resident of Ward No.16 Near Desh Bhagat College. Mohalla New Fatehgarh, PS Model Town, Hoshiarpur by keeping 220 intoxicant tablets in his possession and accused

Pawan Kumar son of Dinesh Shah, resident of Street no.6, Mohalla Sarup Nagar, PS Model Town, Hoshiarpur by keeping 200 intoxicant tablets in his possession have committed an offence under Section 22/61/85 of NDPS Act. Therefore ruqqa is sent through PHG Ranbir Singh No. 25075 to the Police Station Model Town, Hoshiarpur for registration of FIR. After registration of the case FIR no. may be informed."

3 Learned counsel appearing on behalf of the petitioner contends that the petitioner has been falsely implicated in the present matter due to the high-handedness of the police. He contends that the petitioner had suffered injuries in an incident dated 05.10.2021 involving a group led by one Arshdeep Singh, son of Balwinder Singh, who is stated to be a police official then posted in District Hoshiarpur. Counsel submits that the present prosecution is a retaliatory measure arising out of the said incident. It is further submitted that 220 intoxicating tablets have been recovered from the petitioner and as per the Forensic Science Laboratory Report, the same falls under the category of an intermediate quantity. The petitioner has been in custody since 22.06.2025 and has already undergone actual custody of more than 5½ months. Despite this, the final report has not yet been filed by the investigating agency. Counsel contends that, in these circumstances, the conclusion of the trial is likely to take considerable time.

4 State counsel does not dispute that the factum of recovery in the present case falls within the category of intermediate quantity. He also does not dispute that the challan has not yet been filed. He, however, submits that the petitioner has been involved in another FIR under the NDPS Act pertaining to the recovery of 23 grams of an intoxicant, which also constitutes

an intermediate quantity. Nonetheless, he does not dispute that the petitioner has already been granted bail in the said FIR.

5 Having heard the learned counsel for the parties and taking into consideration the period of actual custody undergone by the petitioner, the fact that the recovery falls within the ambit of an intermediate quantity, and the stage of the proceedings wherein the final report is yet to be filed, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

6 It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

7 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

December 10, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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