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

**CRM-M No.45685 of 2025
Date of Decision: 26.08.2025**

Joginder Singh @ Midda**.....Petitioner****versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Ms. Ramandeep Kaur Brar, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.51, dated 22.04.2025 (Annexure P-1), under Section 22 of NDPS Act, 1985 (Section 29 NDPS Act added later on), registered at Police Station Nihal Singh Wala, District Moga.

2. Succinctly the facts of the case are that the police party, while on patrolling on 22.04.2025, saw a young person coming on foot, who on seeing the police, got perplexed and tried to flee from there. He took out a transparent envelope from the right pocket of his trouser and threw the same. However on suspicion, he was stopped. On asking, he disclosed his name to be Harpal Singh @ Pala. He was suspected to be carrying some



contraband in the envelope thrown by him and thus, the search was conducted. On conducting the search, 25 loose light orange coloured narcotic tablets were recovered. He failed to produce any licence regarding the conscious possession of the same, thus the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. During the investigation, Harpal Singh @ Pala made a disclosure statement about the complicity of the petitioner and thus, he was also arrayed as an accused in the present case. The police raided for the petitioner and on apprehending him, 50 loose light pink narcotic tablets were recovered. Thus, he was also arrested on 24.05.2025. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Moga praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Moga declined the petition filed by the petitioner vide order dated 01.08.2025. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. She has submitted that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused, which is not even an admissible evidence. She has submitted that recovery of 50 intoxicant tablets was planted upon the petitioner. She has submitted that the alleged recovery, even otherwise is a non commercial quantity and the same is in violation of Section 50 of NDPS Act. She has submitted that though the petitioner is involved in 03 other cases, however he is on bail in those



cases. She has submitted that the investigation is complete and thus, in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was duly named in the disclosure statement and 50 intoxicant tablets were recovered from his personal search. He has submitted that the contraband recovered weighs 10.55 grams of Alprazolam. He, on instructions, has submitted that the challan is presented and the charges are yet to be framed. He has placed on record custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard.

6 On hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case on the basis of disclosure statement of co-accused. It has been alleged that 50 intoxicant tablets were recovered from the petitioner and on weighing, the same found to be 10.55 grams of Alprazolam, which is a non commercial quantity, however the small quantity is up to 5 grams. The investigation is already complete. Custody certificate produced would show that the petitioner has completed incarceration of 02 months and 30 days as on 25.08.2025.

7. 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. The trial of the case will take sufficiently long time.

8. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner

succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case. However, if the petitioner does not furnish the bail bonds within seven days from today, then his further custody period after one week will not be counted in this case.

26.08.2025			(RAJESH BHARDWAJ)
<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No