

2025:PHHC:117467



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**(227) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-46973-2025

Date of Decision: 01.09.2025

HARDEV SINGH @ DEBA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Ms. Navneet Kaur, Advocate (Legal Aid Counsel)
for the petitioner.

Mr. Mohit Saroha, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in this third petition under Section 439 Cr.P.C read with Section 482 Cr.P.C. (for brevity Cr.P.C.) (now Section 483 BNSS, 2023) is for the grant of regular bail in case bearing FIR No.104 dated 25.02.2025 registered under Sections 21-B, 61, 85 of NDPS Act (Section 29 of NDPS Act added later on) at Police Station Goindwal Sahib, District Tarn Taran.

2. The brief facts of the case are that Hardev Singh @ Deba (petitioner) came to be apprehended with 19.58 gram of heroin. On the basis of his disclosure statement, one Jobanjit Singh @ Raja @ Giani was nominated as an accused.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is a violation of the mandatory provisions of the NDPS Act regarding search and seizure including Section 50 of the NDPS Act. The prosecution version is inherently



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unbelievable. As the petitioner is in custody since 25.02.2025 but none of the 10 prosecution witnesses have been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel on instructions contends that the petitioner is a habitual offender. He is an accused in 08 other cases arising out of FIR No.12/2013 dated 01.01.2013 U/s 21 NDPS Act P.S. Chhohla Sahib, FIR No.78/2015 dated 30.06.2015 U/s 22/61/85 P.S. Goindwal Sahib, FIR No.126/2017 dated 06.11.2017 U/s 21/22/61/85 NDPS Act, P.S. Chhohla Sahib, FIR No.24/2019 dated 18.02.2019 U/s 21/61/85 NDPS Act, P.S. Chhohla Sahib, FIR No.51/2020 dated 10.03.2020 U/s 21/22/29/61/85 NDPS Act, P.S. Chhohla Sahib, FIR No.305/2020 dated 15.09.2020 U/s 21, 61, 85 NDPS Act, P.S. Chhohla Sahib, FIR No.229/2021 dated 21.10.2021 U/s 21, 61, 85 NDPS Act, P.S. Chhohla Sahib and FIR No.333/2022 dated 27.08.2022 U/s 21-B/61/85 NDPS Act, P.S. Chhohla Sahib. Therefore, keeping in view the antecedents of the petitioner, he is not entitled to the concession of bail, moreso in view of the bar contained in Section 37 of the NDPS Act.

5. I have heard the learned counsel for the parties.

6. The details of the other FIRs registered against the petitioner are as under:-

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.12/2013 dated	21 NDPS Act	P.S. Chhohla Sahib



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	01.01.2013		
2.	FIR No.78/2015 dated 30.06.2015	U/s 22/61/85	P.S. Goindwal Sahib
3.	FIR No.126/2017 dated 06.11.2017	U/s 21/22/61/85 NDPS Act	P.S. Chhohla Sahib
4.	FIR No.24/2019 dated 18.02.2019	U/s 21/61/85 NDPS Act,	P.S. Chhohla Sahib
5.	FIR No.51/2020 dated 10.03.2020	U/s 21/22/29/61/85NDP S Act, P.S.	Chhohla Sahib
6.	FIR No.305/2020 dated 15.09.2020	U/s 21, 61, 85 NDPS Act,	P.S. Chhohla Sahib
7.	FIR No.229/2021 dated 21.10.2021	U/s 21, 61, 85 NDPS Act	P.S. Chhohla Sahib
8.	FIR No.333/2022 dated 27.08.2022	U/s 21-B/61/85 NDPS Act	P.S. Chhohla Sahib

7. Apparently, the petitioner is a serial offender with 08 other cases registered against him under the NDPS Act.

8. This Court in the case of **Soni Singh @ Chamkaur Singh Versus State of Punjab, CRM-M-31645-2022, decided on 20.10.2022**, held as under:-

“Admittedly, the petitioner in the present case is named in the disclosure statement of the arrested accused. Subsequently thereto 3Kgs of Poppy Husk was recovered at his instance which is a non commercial quantity. It may be relevant to mention here that limitations to the grant of bail under Section 37 of the NDPS Act



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are in addition to those prescribed under Cr.PC or any other law inforce on the grant of bail as has been set out by the Hon'ble Supreme Court in Satpal Singh Vs. State of Punjab 2018(5) RCR (Criminal) 152. In the present case, the petitioner is involved in two other cases under the NDPS Act. Thus, as he is a habitual offender, he is not entitled to the grant of bail even under Section 439 Cr.PC keeping in view his antecedents. Even otherwise, assuming that the rigors of Section 37 of the NDPS Act did not apply to the petitioner, that by itself would not ipso facto lead to the grant of bail to the petitioner.

In view of the above discussion, I find no merit in the present petition and the same is therefore dismissed.”

9. Keeping in view the allegations levelled against the petitioner as well as his antecedents the satisfaction under Section 37 of the NDPS Act that he has not committed an offence and is not likely to commit one in the future cannot be recorded.

10. In view of the above discussion, I do not deem it appropriate to grant him the concession of bail and therefore, the present petition stands dismissed.

11. However, the Trial Court is directed to conclude the Trial as expeditiously as possible but in any case not later than 06 months from the next date of hearing fixed before it.

(JASJIT SINGH BEDI)
JUDGE

01.09.2025

JITESH

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No