

CRM-M-52839-2024
(111)

2025:PHHC:149251

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52839-2024 (O & M)

Date of decision: 30.10.2025

Shinder Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. J.S. Thakur, Advocate, for the petitioner.

Mr. Harkanwar Jeet Singh, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

The prayer in this second petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) is for the grant of regular bail to the petitioner in case FIR No.23 dated 03.08.2023 under Sections 21, 25, 29 and 27-A of the NDPS Act, 1985 and registered at Police Station State Special Operation Cell, Amritsar, District Intelligence Wing CID.

2. The brief facts of the case are that secret information was received by Sub Inspector Kanwar Iqbal Singh against Shinder Singh (petitioner), Joga Singh, Shinder Singh @ Pappu, Gurdeep Singh @ Rangu @ Rangi regarding their active involvement in cross border smuggling of heroin and narcotic substances. The information further elaborated the presence of Joga Singh, Shinder Singh in the area of Sultanwind, Amritsar for delivery of heroin. The present FIR came to be registered. While Joga Singh fled away, the petitioner-Shinder Singh was apprehended with 1.120 kgs. of heroin and Rs.1,50,000/- drug money. On his disclosure statement,



5.450 kgs. of heroin, 4.370 kgs. of heroin and 3.225 kgs. of heroin came to be recovered from different places.

The petitioner disclosed the names of his other associates Joga Singh, Shinder Singh @ Pappu and Ranjit Singh.

On the basis of secret information, one of the associates of this group, namely, Amandeep Kaur @ Deepu Bai was apprehended with 1.180 kgs. of heroin. She disclosed the names of Joga Singh, Surinder Singh @ Nai, Shinder Singh @ Pappu, Gurwinder Singh @ Shatangi, Gurdeep Singh @ Rangu @ Rangi, Resham Singh, Ranjit Singh and Surinder Singh Nai.

Gurwinder Singh @ Shatangi and Gurdeep Singh @ Rangu @ Rangi were arrested. Joga Singh and Shinder Singh @ Pappu alongwith Malkeet Singh @ Kali were arrested in this case on production warrants.

4. 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 unbelievable. As the petitioner is in custody since 03.08.2023 but only 04 out of the 30 prosecution witnesses has 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.

5. On the other hand, the learned State counsel contends that the petitioner is a habitual offender. He is an accused in two other cases arising out of FIR No.107/2023 dated 17.08.2023 under Sections 21-C/29/61/85 of the NDPS Act, Police Station Goraya and FIR No.44/2024 dated 03.05.2024 under Sections 22/29 of the NDPS Act, Police Station Mehatpur. The instant

petition is the 2nd bail on behalf of the petitioner, the last one having been



withdrawn on 24.05.2024. 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.

6. I have heard the learned counsel for the parties.
7. This is the 2nd bail petition on behalf of the petitioner. The detail of his earlier bail applications is as under:-

Sr. No.	Bail Application	Date of Decision
1.	CRM-M-7658-2024	Dismissed as withdrawn on 24.05.2024

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

Sr. No.	FIR Nos. and date	Sections	Police Station
1.	FIR No.107/2023 dated 17.08.2023	21-C/29/61/85 of the NDPS Act	Goraya
2.	44/2024 dated 03.05.2024	22/29 of the NDPS Act	Mehatpur

9. Apparently, the petitioner is a serial offender with 02 other case registered against him under the NDPS Act. No change in circumstances whatsoever have been pointed out by the counsel for the petitioner after the Ist bail petition of the petitioner came to be argued and withdrawn on 24.05.2024.
10. 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 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.”

11. 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.
12. Therefore, I do not deem it appropriate to grant him the concession of bail and hence, the present petition stands dismissed.
13. 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.
14. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

October 30, 2025
sukhpreet

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