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

**CRM-M No.49389 of 2025
Date of Decision: 10.09.2025**

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

Present :- Mr. Harpal Singh Sidhu, Advocate
for the petitioner.

Ms. Simran Gorla, 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.27, dated 30.04.2025, under Sections 21 of NDPS Act, 1985 (Section 29 of NDPS Act added later on), registered at Police Station Ajitwal, District Moga.

2. Succinctly the facts of the case are that the police party, while on patrolling on 30.04.2025, received a secret information to the effect that Harpinder Singh @ Jugnu and Gurpreet Singh @ Gopi were involved in selling of Heroin. It was informed that they came on their motorcycle make Hero Splendor Plus and were standing near the canal bridge. It was informed that in case of raid, they could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and it reached the place, as disclosed in the



secret information, where 02 persons were found along with the motorcycle. However they were apprehended and on asking, they disclosed their names to be Harpinder Singh @ Jugnu (petitioner) and Gurpreet Singh @ Gopi. They were suspected to be carrying some contraband and thus, the search of motorcycle was conducted. On conducting the search of motorcycle, a polythene envelope was recovered. However on conducting the search of the polythene envelope, 250 grams of Heroin was recovered. They failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered and both were arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. On completion of the investigation, the challan was presented and on framing the charge, the trial commenced. 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 bail application filed by the petitioner vide order dated 04.07.2025. 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. He has submitted that the FIR was registered on the basis of secret information, however there is a violation of mandatory provisions of Section 42 of NDPS Act. He has submitted that the search has also been conducted in violation of the mandatory provisions of Section 50 of NDPS Act. He has submitted that the alleged recovery has been effected from the public



place, however no independent witness was joined. He has further submitted that even otherwise the alleged recovery is of 250 grams of Heroin, which is a non commercial quantity and thus, the provisions of Section 37 of NDPS Act are not attracted. He has submitted that the petitioner has no criminal antecedents and this false implication of the petitioner is writ large. He has thus submitted that 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. She has submitted that the petitioner was specifically named in the FIR. She has submitted that the petitioner along with the co-accused was arrested on the spot and on their search, 250 grams of Heroin was recovered. She has submitted that the investigation is complete and the charges are also framed. She, on instructions has submitted that out of total 11 prosecution witnesses, no witness has been examined so far. She has produced 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 FIR has been registered on the basis of secret information. The alleged recovery from the motorcycle is 250 grams of Heroin, which is admittedly a non commercial quantity. Custody certificate produced would show that the petitioner has completed incarceration of 04 months and 06 days as on 09.09.2025. It further shows that the petitioner is not involved in any other case. Investigation is complete, the challan already stands presented and charges have been framed.

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.

10.09.2025

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Whether speaking/reasoned
Whether reportable

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Yes/No
Yes/No

(RAJESH BHARDWAJ)
JUDGE