



CRM-M-52253-2025

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

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**CRM-M-52253-2025
Decided on : 22.09.2025**

Shaminder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Jagdip Singh, Advocate
for the petitioner.

Mr. Eklavya Darshi, DAG, Punjab
for the respondent-State.

SURYA PARTAP SINGH, J (ORAL)

1. The instant petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of regular bail in a case arising out of FIR No.185 dated 03.09.2024, registered under Sections 22 and 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 (Section 238 of Bharatiya Nayay Sanhita, 2023 added subsequently), Police Station City 1 Abohar, District Fazilka, Punjab.

2. Briefly stating the facts emerging from record are that the abovementioned FIR came into being when a police party while patrolling suspected two persons namely Angrez Singh and Mangat Ram at Police check point and found that they were carrying 3900 intoxicating tablets of '*tramadol hydrochloride*'.

3. It has been alleged by the prosecution that during investigation, the above named accused disclosed that they alongwith petitioner and one more co-



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accused namely Hussain Khan @ Mohammad Hussain had purchased the above mentioned contraband from one Chhinda.

4. Notice of motion.

Since advance notice has already been served upon the State, Mr. Eklavya Darshi, DAG, Punjab accepts notice on behalf of the respondent-State and waives service. He has filed custody certificate. The same be placed on record.

5. It has been contended by learned counsel for the petitioner that no recovery was effected from the possession of the petitioner and that he has been simply nominated on the basis of disclosure statement of co-accused. It has also been contended that the benefit of bail has already been afforded to co-accused Hussain Khan and that the case of the petitioner stands on the same footing as that of the aforesaid co-accused Hussain Khan. Learned counsel for the petitioner has also contended that the petitioner is already in custody for a period of more than 07 months and that there is one more case against the petitioner wherein the contraband recovered from the possession of petitioner was a non-commercial quantity.

6. On the other hand, learned State counsel has argued that the recovery of contraband found in possession of co-accused was commercial quantity and, therefore, in view of Section 37 of the NDPS Act, the petitioner is not entitled for the benefit of bail.

7. The record has been perused carefully.

8. Keeping in view the facts and circumstances pertaining to the instant case, following are the relevant factors which are required to be taken



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into consideration before arriving at any decision with regard to present petition for bail. Those factors are: -

- i) that no contraband from the possession of the petitioner was recovered
- (ii) that the petitioner is in custody for a period of 07 months and 22 days.
- (iii) that the trial is not likely to be concluded in the near future;
- (iv) that detention of petitioner in judicial lockup is not likely to serve any purpose;
- (v) that the benefit of bail has already been afforded to the similarly placed co-accused;
- (vi) that there is nothing on record to show that if the petitioner is released on bail, he would tamper with evidence or influence the witnesses.

9. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail. Therefore, without commenting anything on the merits of the case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. It is, however, clarified that in case, the concerned Court is not available on the given date, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

22.09.2025
mamta

(SURYA PARTAP SINGH)
JUDGE

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No