



CRM-M-53932-2025

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

CRM-M-53932-2025

Date of Decision: 29.09.2025

Bhajan Singh @ Bhaju

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nirmaljeet Singh Sidhu, Advocate, for the petitioner.
Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for granting regular bail in case FIR No.176 dated 11.08.2025 under Section 21(b) of NDPS Act, 1985, registered at Police Station Sadar Bathinda, District Bathinda.
2. Succinctly, facts of the case are that on 11.08.2025 the Police party while on patrolling, saw a young person standing near the tree, who was holding a plastic transparent envelope in his right hand. On seeing the police, he got perplexed and tried to escape, however, he was apprehended. On asking, he disclosed his name to be Bhajan Singh. He was suspected to be carrying some contraband in the plastic bag being carried by him and thus, he was given offer to be searched. On conducting the search of the plastic bag, 10 grams of heroin was recovered. He failed to produce licence regarding possession of the same. Thus, the FIR was registered and he was arrested on the spot. Samples taken were sent to the FSL. On registration of the FIR, the investigation commenced. The petitioner approached the Court of learned Special Judge, Bathinda praying for grant of regular bail.



However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 10.09.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. He submits that the alleged recovery has been planted upon the petitioner. He submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. It is submitted that there is violation of Section 50 of the NDPS Act. It is submitted that even otherwise, the alleged recovery effected is 10 grams of heroin, whereas as per the schedule of NDPS Act, small quantity of heroin is 5 grams. He has submitted that though the petitioner has been falsely implicated in other cases, however, he is on bail in those cases. He, thus, submits that the petitioner having been falsely implicated in the present case, deserves to 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 is a habitual offender, who is involved in other cases as well. He submits that the case is under investigation. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery effected from the petitioner is 10 grams of heroin. The petitioner is behind bars since 11.08.2025. The custody certificate would reflect that he has suffered incarceration of 01 month, 16



days as on 28.09.2025. Though he is involved in four more cases, however, he is on bail in those cases.

6. 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. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing his bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

29.09.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No