



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

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**CRM-M No.54105 of 2025
Date of decision : 29.9.2025**

Joravar Singh**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Subhash Kumar, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.25 dated 29.6.2025, under Sections 18 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station GRP Pathankot, District Govt. Railway Police, Pathankot.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Station House Officer, Police Station GRP Pathankot. It is requested that today, on 29-06-2025, I LR/SI along with LR/ASI Palwinder Singh 928, LR/ASI Sewa Singh 1019, LR/ASI Harpreet Singh 860, LR/ASI Harinder Singh 1409, S/CT Mandeep Kumar 994 and S/CT Sanjiv Kumar 335 on the instructions of Station House Officer, for checking and in in connection with the security of Shri Amarnath Yatra and the war against drugs being



waged by the Punjab Government, while checking the passengers and their luggage at the railway station, were deployed at platform number 01 at Pathankot Cantt. Railway station, they were going towards the water tank near the TRD office near the eastern side of platform number 01, when at around 12 PM, a young man wearing a yellow T-shirt approached the TRD office near the eastern side of the railway station, near the water tank. He was sitting in the car. Seeing the police party checking from a distance, he immediately got up and took out a waxy black polythene from his car and threw it into the nearby bushes and started running back, the LR/SI shouted to him to stop, but he did not stop, the LR/SI with the help of the fellow employees caught the said boy and informed him about his name Gurnam Singh 669, rank LR/SI and posting in-charge of post GRP Batala at police station GRP Pathankot. He asked about the waxy black envelope, the knot of which was opened and its mouth opened and a black envelope was seen sticking out of it. On which a brown tape was wrapped, from some parts of which a black opium-like substance was seen. When asked about the thing in the wax envelope, if he got scared and did not say anything, then the LR/SI, along with his fellow employees strictly enquired his name and address, then he disclosed his name as Joravar Singh son of Nahar Singh, resident of House No. 219, Ward No. 08, Village Derwara, Tehsil Malhargarh, Police Station Narayangarh, District Mandsaur, Madhya Pradesh. Whose body description is, that color is wheatish, thin and agile body, hair on head, Mullah fashion, fingers of hands and feet are crooked, congenital warts are spread all over the body and skin, height is about 05 feet 2/3 inches, 10th class passed and ITI passed, age is about 23 years. I LR/SI asked the passers-by passing through there, to join the police party, but everyone expressed their legitimate compulsion for their own journey and no passer-by joined the police party. I LR/SI sent SCT Sanjeev Kumar 335 present in the police party to bring extension board and printer from G.R.P. Pathankot, who after some time comes reached at the spot with extension board and printer. At the TRD office near the spot, after getting the electricity connection and turning on the laptop and printer, the LR/SI took out the computer flag present in his investigation bag and weighed the transparent envelope of opium found in the black wax envelope thrown by accused Joravar Singh, which was 01 kg 500 grams of opium. On which the LR/SI weighed the transparent envelope of opium weighing 01 kg 500 grams of opium along with the



black wax envelope and put it in a plastic box and put it in a white tray and its parcel has been prepared. The police seized the opium weighing 01 kilo weighing 500 grams, the sample was prepared on separate clothes and the form 4 (INVENTORY OF SEIZED MATERIAL) was filled in and the witness LR/ASI Sewa Singh No. 1019 was used after the seal was filled. The police seized the opium weighing 01 kilo weighing 500 grams, the sample was taken to the police as evidence. The signatures on the samples were taken. Videography was done under Section 105 of the BHARATIYA NAGARIK SURAKSHA SANHITA by SICT Mandeep Kumar 994. Thus, the accused Joravar Singh son of Nahar Singh has committed a crime under Section 18/61/85 NDPS ACT by keeping 01 kilo 500 grams of opium in his possession.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.6.2025. Learned counsel has further argued that mandatory provision of NDPS Act has not scrupulously been complied with, and therefore, the prosecution case suffers from inherent defects. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 27.9.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 29.6.2025 wherein after investigation was carried out and challan stands presented on 27.8.2025. It is not in dispute that before this Court total 12 prosecution witnesses



have been cited but none has been examined till that. It is further not in dispute that the contraband alleged to have been recovered is 1.500 Kg. which is non-commercial in nature. Thus, the rigors of Section 37 of NDPS Act would not have been complied with. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 27.9.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 25 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.



- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

29.9.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No