



CRM-M-54747-2025

1

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

CRM-M-54747-2025

Karanbir Singh alias Karanveer Singh

...Petitioner

V/s

State of Punjab

...Respondent

Reserved on: 19.11.2025**Date of decision: 02.12.2025****Date of Uploading : 02.12.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Rahi Mehra, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagrik Suraksha Sanhita seeking grant of regular bail to the petitioner in case bearing FIR No.50 dated 09.05.2025, registered for the offences punishable under Sections 21(b), 21(c) of the NDPS Act (Section 29 of NDPS Act later on) at Police Station Bhogpur, District Jalandhar.

2. The gravamen of the FIR in question pertains to recovery of Heroin from the petitioner and the co-accused. It was alleged in the FIR that when the Police party were on patrol at the T-Point on Ghorewal Road, Bhogpur, they noticed two individuals approaching. One of them carried a bag on his shoulder and the other was carrying a transparent polybag. The police signaled them to stop but upon seeing the police party both the men threw their respective bags to the ground and attempted to escape. They

were, however, apprehended by the Police. On inspecting the bag discarded



by accused Sukhpreet Singh, 500 grams of heroin was recovered while the transparent polybag thrown by the petitioner Karanbir Singh was found to contain 5 grams of heroin which led to the registration of the FIR in question. The petitioner was arrested on 09.05.2025 and has remained in custody since then.

3. Learned counsel for the petitioner has iterated that the FIR is a sheer abuse of process of law and is reflective of the arbitrary and unlawful actions of the police authorities who appear to have planted a false case upon the petitioner. Learned counsel has further iterated that a bare reading of the FIR demonstrates that the petitioner has been falsely implicated into the FIR in question. Learned counsel has emphasized that only 5 grams of heroin is alleged to have been recovered from the petitioner which is a small quantity under Section 21(b) of the NDPS Act. According to learned counsel, the separate recoveries attributed to the petitioner and the co-accused cannot be clubbed to bring the case within the ambit of commercial quantity. In this regard, learned counsel has placed reliance on the judgment of the Hon'ble Supreme Court titled as ***Amarsingh Ramjibhai Barot v. State of Gujarat, 2005(7) SCC 550***, to contend that the recoveries from different accused cannot be clubbed in the absence of evidence of conspiracy. Learned counsel has also placed reliance upon the judgment of the Hon'ble Supreme Court titled as ***Nadeem Ahamed v. State of West Bengal, 2025 INSC 993***, wherein it was held that suspicion alone cannot establish conspiracy under Section 29 NDPS Act. Learned counsel has further submitted that the petitioner has clean antecedents and is not involved in any other NDPS case. According to learned counsel, the



petitioner is stated to be in custody since 09.05.2025 and the trial is not expected to conclude in the near future. In such circumstances, continued incarceration of the petitioner would serve no useful purpose particularly when the alleged recovery from the petitioner is of small quantity for which the rigors of Section 37 of the NDPS do not apply. On the strength of aforesaid submission, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the allegations raised against the petitioner are serious in nature. Learned State counsel has referred to status report dated 14.10.2025 by way of affidavit of Rajiv Kumar, PPS, Deputy Superintendent of Police, Sub Division Adampur, Jalandhar (Rural), relevant whereof reads as under:

“10. EVIDENCE AGAINST THE PETITIONER:

That during patrolling duty on dated 09.05.2025 at about 8:20 PM at T-Point, Ghodawahi Road, Bhogpur, the petitioner Karanbir Singh alias Karanveer Singh, on seeing the police party, threw a transparent polythene envelope on the ground and attempted to run away. He was apprehended on the spot along with his co-accused. After informing him of his legal rights under Section 50 of the NDPS Act, the said transparent envelope was checked in his presence, and 5 grams of heroin was recovered. The recovery was duly weighed on a digital scale, sealed into a cloth parcel with sample seal prepared, and taken into possession vide seizure memo attested by witnesses. The case property was deposited in the malkhana and samples forwarded for FSL examination. Thus, the petitioner stands directly connected with the conscious possession of 5 grams of heroin recovered from him, forming the primary evidence against him in the present case.

1. ROLE OF THE PRESENT PETITIONER:

That the specific role of the petitioner Karanbir Singh @ Karanveer Singh is that he was found in conscious possession of a transparent polythene envelope containing 5 grams of heroin, which he discarded on seeing the police party, and the same was recovered in his presence,



thereby attracting liability under Section 21(b) NDPS Act, with Section 29 added in view of his joint conduct with the co-accused.”

Learned State counsel has raised submission in tandem with the aforesaid reply and has iterated that the allegations against the petitioner are grave and serious in nature arising under the NDPS Act which is a special enactment aimed in curbing the growing menace of drugs in the State. Furthermore, the conduct of the petitioner itself indicates consciousness of guilt and the recovery effected is not accidental or planted as alleged. Furthermore, the sequence of events collectively establishes *prima facie* material indicating common intention and active participation attracting the provisions of Section 29 of the NDPS Act. In view of the nature of the allegations and the fact that the investigation is going on, learned State counsel prays for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. The grant of bail falls within the discretionary domain of the court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence, and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses.



Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179***). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in ***Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528*** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is*



also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"

This Court also in specific terms held that :

"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail."

In Panchanan Mishra v. Digambar Mishra, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143, this Court observed :

"The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation."



7. Indubitably, the petitioner and the co-accused were found together at the same place and time. Both of them allegedly threw their bags on the ground and tried to escape as soon as they saw the police. At this stage, particularly when the investigation is underway, such conduct cannot be ignored because it shows that both the accused were aware that they were in possession of the contraband. This behavior *prima facie* indicates that they were acting together. The plea of the petitioner is that only 5 grams of heroin, which is a small quantity, has been effected from him. However, the question whether the recoveries can be treated separately or have some connection between them, is a matter that will be decided only after evidence is led during the trial. At the stage of consideration of regular bail, the Court is not expected to conduct a detailed examination of evidence. Moreover, the recovery of narcotic substance from the petitioner, though small in quantity, cannot be viewed in isolation. Furthermore, both the accused were found together, attempted to flee and discarded the bags simultaneously when they saw the police. At this stage, a *prima facie* satisfaction is adequate for the purpose of bail consideration.

8. The judgments relied upon by the petitioner in ***Amarsingh Ramjibhai Barot*** and ***Nadeem Ahamed*** cases (supra) is not applicable to the present case as in the said cases the Court had the benefit of analyzing complete evidence during trial proceedings. Those cases were decided after the trial and in the present case even the investigation is not yet over. The legal principles from those judgments are relevant but cannot be applied conclusively at this stage. The conduct of the accused in throwing the contraband and fleeing upon noticing the police *prima facie* indicates



consciousness of guilt. This Court cannot, at this stage, accept the argument that the petitioner has been falsely implicated. The seriousness of the offence under the NDPS Act must be kept in mind. Even though the recovery from the petitioner falls within small quantity, the circumstances of the recovery, joint conduct and ongoing investigation cannot be overlooked.

9. In the considered opinion of this Court, at this nascent stage, the Court must primarily see whether there exists reasonable material connecting the accused to the offence. The allegations and the manner of recovery disentitled the petitioner to the discretionary relief of bail. Furthermore, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence placed on record. The Court cannot accept the plea of the petitioner of false implication merely based on assertions without evidence. The argument of the learned counsel that the quantity recovered from the petitioner is a small quantity cannot be accepted at this stage as the surrounding circumstances of the incident, their attempt to escape and simultaneous throwing of bags raise doubts that can only be clarified during the course of trial. The petitioner has been in custody since 09.05.2025 but custody, by itself, is not a ground for bail when the allegations are serious and investigation is still in progress. Releasing the petitioner at this stage may affect the investigation especially when the role of the co-accused and any possible connection between the two is still being examined.

10. In view of the seriousness of the allegations coupled with the stage of investigation, this Court is of the considered opinion that the



petitioner is not entitled to the concession of regular bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:
- (i) The present petition is devoid of merit and is hereby dismissed.
 - (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
 - (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

December 02, 2025
Ajay

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