



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

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CRM-M-56844-2024

Date of decision: 27th March, 2025

Amandeep Singh Pahwa @ Aman

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 94 dated 28.05.2024 registered under Sections 27(a), 25, 28, 29 and 30 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') at Police Station Tarn Taran.

2. As per the allegations, on the basis of a secret information received by the police to the effect that the present petitioner along with the co-accused Rajwinder Singh @ Bittu and Inderjit Singh @ Inder was indulged in the trade of selling *heroin* and paddling drug supply with the help of drug money, they were apprehended on 28.05.2024 while they were present in an innova car. Recovery of one kg of *heroin* along with one 9 MM



pistol and cash amount of Rs.3,50,000/- was effected from the accused Inderjit Singh, a sum of Rs. 4,30,000/- was recovered from the accused Akashdeep and an amount of Rs. 5,00,000/- was recovered from the present petitioner, which was drug money. On the basis of disclosure statement of the petitioner and co-accused, accused Rajwinder Singh was nominated as such and booked under Section 29 of NDPS Act. Investigation stands concluded.

3. It is argued by learned counsel for the petitioner that he is in custody since long. A false recovery has been planted upon him. No contraband has been recovered from him. Trial is likely to take time. He has clean antecedents as no FIR under the provisions of IPC has been registered against him. He is alleged to be a conspirator but no offence under Section 120-B of IPC has been added. Infact, he was proprietor of a restaurant, which was previously owned by his father and then transferred in his name. This restaurant was further sold by him to one Sheetal Bhalla. As per the terms of sale agreement, an amount of Rs. 10,00,000/- had been handed over as earnest money to his father by the purchaser and it was this money which was shown to be recovered from him as drug money. Even sale deed qua that restaurant has been executed on 16.07.2024. His further incarceration would not serve any useful purpose. Therefore, it is argued that he deserves to be extended benefit of bail.

4. Status report has been filed by respondent-State. It is argued by learned Assistant Advocate General, Punjab that the petitioner along with the co-accused had been apprehended on 28.05.2024 while they were travelling in an Innova vehicle and were going towards Tarn Taran area via



Gohaward. Accused Akashdeep was driving the car, whereas, the petitioner was sitting in the rear seat. One kg of *heroin* was recovered from a black colour polythene bag kept in the gear box of the car. Further cash amount of Rs.3,50,000/- kept in a polythene bag was recovered at the instance of the accused Inderjit Singh, whereas, an amount of Rs. 5,00,000/- was recovered from a polythene kept by the petitioner. They had suffered disclosure statements to the effect that the money recovered from them was drug money. There are serious allegations against the petitioner. He has criminal antecedents as he is involved in a case filed under Section 138 of Negotiable Instruments Act, 1881. There are chances of his absconding or intimidating the witnesses, if extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner was apprehended on 28.05.2024 while he was present in an Innova car along along with the co-accused. Recovery of 01 kg of *heroin* was effected from co-accused, whereas, an amount of Rs. 5,00,000/- was recovered from him, which is claimed to be drug money by the prosecution. The rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. The trial is going at a proper pace and there is nothing on record to show that there would be any undue delay in conclusion of trial. The petitioner was nabbed at the spot and aforesaid recovery of contraband was effected from him. Keeping in view the criminal antecedents of the petitioner, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts



and circumstances of the case but without meaning to make any comment on the merits thereof, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail. Hence, the petition is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

27th March, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |