

2025:PHHC:169865



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-56651-2025
Date of decision: 05.12.2025

HANSRAJ ALIAS HANSU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Ruhani Chadha, Advocate for the petitioner.
(Through Video Conferencing).

Mr. Mohit Kapoor, Senior DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant **first** petition has been filed under Section 483 of The Bharatiya Nagarik Suraksha Sanhita, 2023, for the grant of regular bail in case bearing FIR No. 54 dated 22.03.2025, registered under Section(s) 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Section 29 of the NDPS Act, 1985 was added later on) at Police Station Dharamkot, District Moga.

2. Brief facts of the present case are as under:-

*“Station House Officer P.S. Dharmakot, Sat Sri Akal.
Today I SI along with ASI Malkit Singh no. 753/M, S/CT Harmail
Singh No. 1068/M, PHG Balwinder Singh no. 11373 were*

patrolling on our government vehicle bearing No. PB 65 BG 6395 make Scorpio which was being driven by Gurparmar Singh No. 657/M in search of bad and suspicious elements and in this regard we were heading from area Dharmakot to Noorpur Hakima etc. and when the police party during patrolling reached on the main G.T. Road, Kot Isse Khan to Noorpur Hakima bus stand and from there on the link road to Village Noorpur Hakima and when they reached over there, then from opposite side one person who was age of middle age was seen coming on foot and he on seeing the car of the police party coming in front of him and on seeing the vehicle of the police party coming on the link road opposite to him and then he got perplexed and started walking fast on his left side in the fields, but he on the basis of suspicion was being stopped by ASI after stopping his vehicle with the help of other police officials and after apprehending him, but due to perplexion he from his left pocket of his lower threw one transparent polythene on the corner side of the road with his left hand in which something was there was visible. Then SI with the help of other police officials asked him about his name and address and on being asked he told his name as SUKHDEV SINGH ALIAS MOTA son of Virsa Singh resident of Noorpur Hakima. Then SI disclosed his name and identity to him and told him that, "I am SI Lakhwinder Singh and I am posted at P.S. Dharamkot and me and other police officials are wearing their uniform and I am having suspicion that the transparent polythene which you have thrown on the side of the road is having some intoxicant tablets. Due to the said reason the transparent polythene and your search needs to be conducted, but you are having a legal right that you can get your search done from some Gazetted Officer or Magistrate and they can be called at the spot. Upon this Sukhdev Singh alias Mota told ASI that I am having full faith in you and you can search me and the polythene which I have thrown on the side of the road. Then Sukhdev Singh alias Mota notice under section 50 NDPS Act has been prepared and

on this accused Sukhdev Singh alias Mota affixed his thumb impression and the ASI Malkit Singh and S/CT Harmail Singh affixed their signatures as witness. Then SI made Sukhdev Singh alias Mota picked up the said transparent polythene which was being thrown by him and after picking up the same, the same was being checked and the same was being opened by the said accused person and on checking from which open white color intoxicant tablets were recovered and on counting, the number of the said tablets came out to be 40 open intoxicant tablets. That before the said transparent polythene was being picked up by Sukhdev Singh alias Mota, efforts were being made to join independent witness from public, but everyone showed their helplessness. About the open intoxicant tablets, even Sukhdev Singh alias Mota told that the same are intoxicant tablets and besides this in the said polythene also Indian currency notes were also kept and on checking 100/100, 14 notes total 1400 Rs. were recovered. The recovered intoxicant tablets were being put in the same plastic polythene and the parcel was being prepared. The Indian currency of Rs. 1400 and the separate parcel of which was being prepared and on both the said parcels SI affixed his seal LS and seal after use was then handed over by him to ASI Malkit Singh. The recovered intoxicant tablets parcel and parcel of Indian Currency Drug Money along with seal was taken into police possession by SI vide separate recovery memo and on the said memo ASI Malkit Singh and S/CT Harmail Singh affixed their signature. Accused Sukhdev Singh alias Mota for keeping in his possession 40 open intoxicant tablets has committed offence under Section 22/61/85 NDPS Act.”

3. Learned Counsel appearing on behalf of the petitioner contends that the recovery of 40 loose intoxicants tablets had been effected from co-accused Sukhdev Singh @ Mota. During his custody, confession statement of the said co-accused was recorded to the effect that he had purchased the

intoxicant tablets from the petitioner herein. Counsel contends that consequent upon the said confession, the petitioner was taken in custody, however, no recovery had been effected from the petitioner. The total weight of the recovered contraband from the co-accused Sukhdev Singh @ Mota was found to be 5.76 grams of Etizolam. He submits that the investigation now stands concluded and the charge-sheet has already been filed. Out of the 15 witnesses cited by the prosecution, not even a single witness has been examined so far.

4. Counsel for the respondent-State on the other hand contends that there are other cases registered against the petitioner. He, however, does not dispute that the petitioner has been nominated as an accused in the confessional statement of the co-accused.

5. I have heard learned counsel appearing on behalf of the respective parties.

6. In view of the facts noticed above and taking into consideration that the petitioner has been nominated as an accused only on the confession of the co-accused to the effect that he had purchased the contraband from the petitioner, which, such confession is not corroborated by any recovery from the petitioner. Moreover, investigation in the case is complete and further custodial detention of the petitioner may not be necessary in the present case. The other case that have been registered against the petitioner pertained to intermediate quantity of contraband and are not in relation to any commercial quantity, thus, I deem it appropriate to enlarge the petitioner on regular bail to the satisfaction of the trial Court.

7. The instant petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing requisite bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate, concerned.

8. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

9. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

DECEMBER 05, 2025

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

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