



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-58900-2024
Decided on : 13.10.2025

Harmesh Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Piyush Sharma, Advocate
for the petitioner(s).

Mr. Neeraj Madaan, Sr. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name Petitioner(s)	of FIR No.	Date	Section(s)	Police Station	District
Harmesh Singh	82	14.05.2024	21 of NDPS Act, 1985 (S. 29 of NDPS Added later on)	Guruharsahai	Ferozepur

2. As per allegations in the FIR, a recovery of 1 kg of heroin was effected on 14.05.2024 from beneath the driver's seat of a Mahindra Pick-up vehicle bearing registration No. PB05-AR-7531. The said vehicle was being driven by co-accused Jaswant Singh, while the petitioner – Harmesh Singh was sitting on the conductor's seat.

3. Learned counsel for the petitioner argues that the petitioner, aged about 35 years, has never been found involved in any other similar activity punishable under the NDPS Act and has been falsely implicated in



the present case. It is further submitted that the petitioner had no knowledge of the contraband allegedly lying beneath the driver's seat, as the vehicle was under the exclusive control of its driver. The vehicle is owned by one Sona Singh, who has not been arrested so far. Even if the prosecution story is accepted at face value, the mere fact that the petitioner was sitting on the conductor's side cannot by itself establish conscious possession or prior knowledge of the contraband.

4. Learned counsel further submits that, as per the *zimni* orders, out of the total 13 prosecution witnesses, none has been examined so far, and therefore, conclusion of the trial is likely to take considerable time. Accordingly, prayer is made for grant of concession of regular bail.

5. On the other hand, learned State counsel has filed the custody certificate dated 11.10.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

6. Learned State counsel submits that the quantity of contraband recovered in the present case is commercial in nature and petitioner is equally liable for the same, as he was one of the occupant in the vehicle, i.e., PB05-AR-7531, recovery has been effected in the presence of Gazetted Officer/DSP, and after affecting arrest of the petitioner on 14.05.2024, thereafter, on 16.05.2024, on the basis of disclosure statement made by him, 100 grams of 'Heroin' more was recovered from the disclosed place by him.

Further, submits that the plea advanced by the petitioner, that he did not have conscious possession of the contraband and, if at all, the



allegations apply only to the co-accused, cannot be considered at this stage, as the grant of bail is a discretionary and concessional relief cannot be allowed merely on the basis of such contentions without full appreciation of the evidence.

However, learned State counsel fairly concedes that the petitioner has remained in custody since 14.05.2024, thereby undergoing incarceration for a period exceeding 01 year and 04 months. As per the custody certificate, the petitioner has been punished by the Superintendent of Jail under **Order No.12**, with the punishment type recorded as “**Block Visitors**” for possessing a **Prohibited Article in Jail**.

7. I have considered the rival submissions advanced by learned counsel for the parties and gone through the record. It will indeed be a moot question before the trial Court as to whether the petitioner was in conscious possession of the recovered contraband weighing 1 kg of heroin or not, or whether he would be held equally liable.

It is also noticed that, as per the custody certificate, the petitioner has suffered incarceration for a period of 01 year, 04 months and 27 days as on 11.10.2025, and except for the present case, he is shown to have been punished by the Superintendent of Jail for possession of a **Prohibited Article in Jail** for a period of 30 days. Out of a total of 13 prosecution witnesses, none has been examined so far, and thus, conclusion of the trial is likely to take considerable time.

It is also noticed that out of total of 13 prosecution witnesses, none has been examined so far, therefore, conclusion of the trial is likely to take considerable time. Prolonged pre-trial detention, without the trial



reaching its culmination, would seriously prejudice the petitioner's liberty as well as his prospects of rehabilitation. Though the nature of the offence and the recovery being of commercial quantity will require thorough scrutiny during trial, yet keeping in view the petitioner's age, antecedents, and the fact that the trial is still at a very early stage, his continued detention does not appear to be warranted.

In view of the totality of these circumstances, and the nature allegations leveled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of bail to the petitioner, so as to afford the petitioner an opportunity to reform and reintegrate himself in the society.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be



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cancelled.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

October 13, 2025
J.Ram

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