

2025:PHHC:026721



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

224

**CRM-M-58982-2024 (O&M)**  
**Date of decision: 24.02.2025**

**Nirmaljit Singh @ Nirmal Singh****...Petitioner**

**Versus**

**State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Naveen Bawa, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 275 dated 24.12.2023, registered under Sections 21, 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Maqboolpura, District Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 24.12.2023, on the basis of a secret information, co-accused Jagroop Singh, Harpreet Singh @ Harsh and Sanamdeep Singh, while coming on a scooty bearing registration number PB-02-DW-8197, were apprehended by a police party headed by SI Paramjit Singh. During their personal search, 260 grams of heroin was recovered from co-accused Jagroop Singh and 290 grams of heroin was recovered from co-accused Harpreet Singh @ Harsh, whereas no incriminating material was recovered from Sanamdeep Singh. During the course of investigation, the aforesaid co-

2025:PHHC:026721



accused admitted their involvement in drug peddling and that the recovered heroin was brought from the present petitioner. On the basis of the same, the present petitioner was nominated in this case as an accused and was arrested on 17.08.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application for grant of regular bail before the Court of learned Judge, Special Court, Amritsar but the same had been dismissed, vide order dated 13.09.2024.

3. Learned counsel for the petitioners has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statements suffered by co-accused, which is not admissible in evidence against the petitioner. There is nothing on record to connect the petitioner with the subject crime. The petitioner was initially granted concession of interim anticipatory bail by this Court, vide order dated 05.02.2024 passed in CRM-M-6026-2024. However, since he did not cooperate in the investigation, the said petition was dismissed on 17.07.2024. Thereafter, the petitioner himself had surrendered before the Court on 17.08.2024. No subsequent recovery of any contraband has been effected from him. Even otherwise, investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since 17.08.2024. No useful purpose would be served by keeping them in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

2025:PHHC:026721



4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. He does not have clean criminal antecedents as he is involved in one more case under the NDPS Act, apart from one other under Section 307 of IPC. The allegations against the petitioner are that he used to supply contraband to the co-accused. It is further submitted that since a commercial quantity of the contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the disclosure of above named co-accused, from whom, total 550 grams of heroin was recovered on 24.12.2023. The allegations against the petitioner are that he was the supplier of the recovered contraband. The allegations against him are quite serious. He is shown to be involved in one more case under the NDPS Act and one other case under the provisions of IPC, which shows that he is a habitual offender. The quantity of the recovered contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner as

2025:PHHC:026721



nothing has been placed on record before this Court so as to believe that he did not commit the subject offence or in case, he is released on bail, he would not commit any such or similar offence. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

24.02.2025  
*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*