



CRM-M-61273-2024

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

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**CRM-M-61273-2024
Decided on :14.05.2025**

HARPREET SINGH

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Akhil Dadwal, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Harpreet Singh, has filed instant petition seeking regular bail in case FIR No.115 dated 09.04.2024, under Sections 22/61/85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station, Zirakpur, District SAS Nagar, during the pendency of trial.

2. As per the allegations in the FIR, petitioner-Harpreet Singh, and his co-accused, Jatinder Singh, were walking on foot when they were apprehended. Upon conducting a search, 20 strips of Lomotil tablets (60 pills per strip) were recovered from the right pocket of Jatinder Singh. It is further alleged that 20 more strips containing Lomotil tablets (60 pills per strip) were recovered from the left pocket of the trousers(pant) worn by the petitioner. In this manner, a total of 2,400 tablets were recovered from both the accused.

3. Learned counsel for the petitioner argues that it is highly improbable that any person would be roaming freely, while carrying such



a large quantity of tablets in a single pocket, as alleged by the prosecution in the FIR, without being aware of the criminal implications of such possession. Counsel further submits that the prosecution does not allege the petitioner's involvement in any other case of similar nature. Moreover, no independent witness was associated at the time of the alleged recovery, despite the fact that the recovery was effected at around 7:00 p.m. in an area that is ordinarily crowded.

Counsel also submits that the investigation has been completed and the challan has been presented. Out of a total of 16 prosecution witnesses, 8 have already been examined.

It is further submitted that the petitioner undertakes not to misuse the concession of bail, if granted, and shall cooperate with the trial court by appearing before the Court on each and every date, thereby ensuring the speedy disposal of the case. In view of the above, counsel prays for the grant of bail to the petitioner.

4. On the other hand, learned State counsel opposes the prayer of the petitioner by submitting that there is a substantial recovery of intoxicating/narcotic tablets; therefore, the concession of bail should not be considered and the same deserves to be declined.

The other aspects highlighted by the counsel for the petitioner are not disputed.

5. Taking into consideration the circumstances, the nature of the allegations, and the manner in which the recovery of the tablets was effected though no conclusive opinion can be expressed at this stage, the

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prayer for grant of bail appears to be worthy of consideration. The petitioner has been in custody for more than one year, one month, and three days. Accordingly, 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.

6. It shall be open to the complainant or the State of Punjab/prosecution to move an appropriate application for cancellation of bail in the present case, supported by relevant material, in the event the petitioner misuses the concession of bail in any manner. Further more, it is made clear that if, in future, the petitioner is found to be involved in similar activities, the prosecution shall be at liberty to seek revocation of bail in the present case.

7. The observation made hereinabove 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.

8. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

14.05.2025*Rashmi*

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