



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

229

**CRM-M No.62405 of 2025
Date of decision : 12.11.2025**

Karaj Singh**Petitioner**

Versus

State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Maneesh Bali, Advocate, for the petitioner

Mr. Baljinder Singh Sra, Addl. AG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.125 dated 24.8.2025 under Sections 21/27-A of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chattiwind, District Amritsar (Rural).
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'To, The Station House Officer, Police Station "Jai Hind" Today, I, ASI along with LR/ASI Hardeep Singh No. 282, LR/ASI Baljeet Singh No. 222, and PHG Rajesh Kumar No. 2807, were out on patrol and checking suspected persons in connection with bad elements in the areas of villages Verpal, Chattiwind, and Mahima, using a private vehicle bearing registration No. PB-02-CR-2187, equipped with laptop and printer kits. When the police party reached bridge Sua Bagawala, village Mahima, a young boy was seen walking on the railway track. Upon seeing the police



vehicle approaching from the front, he suddenly turned back and began walking hurriedly. He took out a black polythene-wrapped object from the right pocket of his lower (track pants) and tried to throw it near the bushes on the embankment. I, ASI, with the help of accompanying officials, apprehended him. Upon inquiry, he disclosed his name as Karaz Singh son of Sulakhan Singh, resident of village Rajewal, P.S. Chattiwind. Before checking the black polythene packet recovered from the accused, efforts were made to associate independent witnesses from the public; however, all persons cited personal reasons and went away. Therefore, no independent witness joined the police party. In such circumstances, I handed over my mobile phone to ASI Baljeet Singh No. 222 and directed him to do videography through the E-Sakshya App of the entire proceedings. I informed the accused that I, ASI Rajinderpal, posted at Police Post Daburji under P.S. Chattiwind, wearing proper uniform with nameplate, suspect him of possessing narcotic substance and that he has the right under Section 50 of the NDPS Act to have his personal search conducted before a Gazetted Officer or Magistrate. The accused replied that he had full faith in me and allowed me to conduct the search. Accordingly, a consent memo under Section 50 NDPS Act was prepared and signed by the accused. On conducting the personal search, from the left pocket of the lower, 300 in Indian currency were recovered. On being asked, the accused disclosed that the amount was proceeds from sale of heroin. Then, on opening and checking the recovered black polythene packet, a powdery substance was found. A small quantity was taken in a test tube and tested using the Drug Detection Kit by adding one drop of solution A-1 and two drops of A-2, which tested positive for Heroin. The total weight of the heroin along with the polythene wrapper was found to be 10 grams when weighed on the electronic scale of the investigation kit. The recovered heroin along with the black polythene was placed in a plastic box, sealed into a parcel, and the recovered drug money (2300) was kept in a paper envelope, sealed separately. Both parcels were sealed with my seal impression "RP" and one sample seal was prepared. Both sealed parcels were taken into police possession as case property through separate recovery memos (seizure memos), and Form No. 4 was completed. The seal after use was handed over to ASI Hardeep Singh No. 282. Since the recovery was a chance recovery at the spot, no Magistrate or Gazetted Officer could be called to the place of occurrence. Therefore, a



report under Section 57 NDPS Act is being prepared and sent to the senior officer. The accused Karan Singh has been found in illegal possession of 10 grams of heroin and 2300 drug money, thereby committing an offence punishable under Sections 21, 27A, and 61/85 of the NDPS Act. Accordingly, a ruga (report) is being sent through PHG Rajesh Kumar No. 2807 to the Police Station for registration of FIR under the above sections. After registration, the case number may be communicated. Special reports should be sent to senior officers and the Area Magistrate, and the Control Room should be informed through wireless communication.

I, ASI, along with accompanying staff, remain present at the spot for further investigation. Time: 6:30 PM Place: Near bridge Sua Bagawala, Village Mahima. Date: 24.08.2025, Rajinderpal, Police Station Chattiwind.

Sd/-ASI'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 24.8.2025. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has submitted that the alleged contraband recovered from the petitioner is 10 grams of heroin. Learned counsel has further argued that ₹300/-, which is alleged to be drug money, the basis whereof is confessional statement, which is not admissible in law, has also recovered from the petitioner. Learned counsel has further iterated that the petitioner has no criminal antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 11.11.2025 in Court, which is taken on record.



5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 24.8.2025. Culmination of investigation as also the trial emanating therefrom, in case occasion so arises, will take long time. It is not in dispute that the contraband alleged to have been recovered from the petitioner in non-commercial in nature. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 11.11.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 2 months and 17 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-



- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

12.11.2025
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