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

**CRM-M No.66550 of 2025 (O&M)
Date of Decision: 03.12.2025**

Harinder Kumar @ Monu**..... Petitioner****Versus****State of Punjab****..... Respondent****CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Dr. Rau P.S. Girwar, Advocate
Ms. Archana Rau, Advocate
Ms. K.T. Rau, Advocate and Mr. Ashish Sharma, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.0059, dated 01.05.2025, under Sections 21(C), 27 & 29 of NDPS Act, registered at Police Station Bhagta Bhaika (Dayalpura), Bathinda.

2. Succinctly the facts of the case are that the police party while on patrolling on 01.05.2025, when reached near Pull Kassi, saw a young man sitting on a Platina motorcycle carrying a black polythene envelope in his hands, who on seeing the police, got perplexed, however, he was apprehended by the Police party. On asking, he disclosed his name to be Lovepreet Singh. He was suspected to be carrying some contraband in the black polythene envelope having been carried by him



and thus, the search was conducted. On conducting the search, 500 grams of heroin was recovered from the black polythene envelope being carried by him. He failed to produce any licence regarding the conscious possession of the same. Thus the FIR was registered and he was arrested on the spot. On registration of the FIR, the investigation commenced. The samples taken were sent to the FSL. During investigation, the complicity of the petitioner surfaced and thus, he was arrested on 01.07.2025. On completion of the investigation, the challan was presented. The petitioner approached the Court of learned Judge, Special Court, Bathinda praying for the grant of bail. However after hearing both the sides and finding no merit in the same, the learned trial Court, dismissed the bail application filed by the petitioner vide order dated 17.10.2025. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. It is submitted that neither the petitioner is named in the FIR nor any overt act has been attributed to him. He submits that the petitioner has been implicated in the present case on the basis of disclosure statement of co-accused, namely, Lovepreet Singh, from whom the alleged recovery of 500 grams of heroin was effected. He submits that the disclosure statement in itself is not an admissible evidence. To buttress his arguments, he has relied upon the judgments passed in '**CRM-M-12997-2020** titled as **Daljit Singh Vs. State of**



Haryana', 'CRM-M-12051-2020 titled as **Mewa Singh Vs. State of Punjab**', 'CRM-M-9106-2021 titled as **Mangal Singh @ Manga Vs. State of Punjab**', 'CRM-M-49742-2022 titled as **Gurpreet Singh @ Happy Vs. State of Haryana**', 'CRM-M-63097-2025 titled as **Ahmed Sahid Vs. State of Haryana**', 'CRM-M-27766-2023 titled as **'Pardeep @ Pardeep Kumar @ Kali Vs. State of Haryana'**. He has submitted that the petitioner is not involved in any other case of similar nature. He has submitted that the investigation is complete and the challan has been presented. He has submitted that the petitioner is behind bars since the date of his arrest, i.e. 01.07.2025, however there is no material progress in the trial. He has thus submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner. It is submitted that during investigation, the complicity of the petitioner was duly established in the present case as he was the supplier of the recovered contraband. He has submitted that the recovery effected in the present case is 500 grams of heroin, which is a commercial quantity and thus the provisions of Section 37 of NDPS Act are attracted. He, on instructions, has submitted that the investigation is complete, the challan stands presented, however the trial is at threshold. He submits that out of total 23 prosecution witnesses, none has been examined so far. He has thus submitted that no case for the grant of regular bail to the petitioner is made out and the present petition deserves to be dismissed.



5. After hearing learned counsel for the parties and perusing the record, it is deciphered that the complicity of the petitioner was duly established during the investigation being supplier of the alleged contraband. The petitioner was arrested on 01.07.2025. The contraband recovered in the present case is 500 grams of heroin, which falls under the category of commercial quantity. Custody certificate produced would show that the petitioner has suffered incarceration of 04 months and 28 days as on 01.12.2025. The trial is at threshold as no witness, out of total 23 prosecution witnesses has been examined till date

6. Keeping in view the above said position, this Court does not find any ground to release the petitioner on bail at this stage. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.12.2025

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Whether speaking/reasoned :
Whether reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No