

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-65679-2025
Date of decision: 28.11.2025

HARPREET SINGH ALIAS SHINTU

....Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. D.S. Bhinder, Advocate for
Mr. Inderpreet Singh Kooner, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.63 dated 11.03.2025, under Sections 22 and 27 of NDPS Act, registered at Police Station Civil Lines Patiala, District Patiala.
2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.
3. The brief facts of the prosecution case are that on 11.03.2025, ASI Baljinder Singh alongwith other police officials was on patrolling duty when he received secret information to the effect that Harpreet Singh @ Sintu (petitioner), Rahit, Kulwant Singh @ Kala, Manpreet Singh @ Babbar indulge in selling and consuming intoxicants. In case, a raid is conducted, they can be apprehended alongwith heavy quantity of intoxicating substance. Thereafter, a raid was

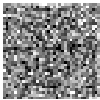


conducted and Harpreet Singh @ Sintu (petitioner), Rahit, Kulwant Singh @ Kala, Manpreet Singh @ Babbar were apprehended and 50 grams of intoxicant (Tramadol) was recovered from them which was converted into a parcel, sealed and taken into possession. Thereafter, petitioner along with all other co-accused was arrested on 22.01.2024 and after completion of investigation, final report was presented in the Court for trial.

4. Learned counsel for the petitioner argued that the petitioner has been falsely implicated. Petitioner is in custody since 22.01.2024. The contraband recovered falls within non-commercial quantity. Investigation and trial will take a long time to conclude and the petitioner be, thus, released on bail. In support of his contention, learned counsel has cited 2022 (4) RCR (Criminal) 299, **State of West Bengal v. Rakesh Singh @ Rakesh Kumar Singh** and judgment dated 18.7.2025 passed by Coordinate Bench of this Court in CRM-M-34380-2025 titled **Shamsher Singh @ Shera v. State of Punjab** in which it has been held that where the quantity involved is non commercial, rigors of Section 37 of NDPS Act do not apply.

5. On the other hand, learned State counsel has opposed the bail and argued that petitioner is a habitual offender and he is involved in 06 more cases. In view of his past conduct, he is not entitled to be released on bail.

6. In the present case, 50 grams of Tramadol has been recovered from the petitioner along with all other co-accused. The contraband recovered falls within non-commercial quantity and as such, the rigors of Section 37 of NDPS Act pertaining to grant of bail are not attracted. Moreover, the petitioner is in custody since 22.01.2024. Trial is likely to take sufficiently long time to conclude and further detention of the petitioner is, thus, not required and he deserves to be released on bail.



Moreover, involvement of petitioner in other cases cannot be made a ground to decline the bail in the present case, in view of the ratio of law laid down by Hon’ble Supreme Court in 2012(2) SCC 382, **Prabhakar Tiwari Vs. State of UP and Anr.** and 2020(1) RCR (Criminal) 831, **Maulana Mohd. Amir Rashadi Vs. State of U.P. and Others.**

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. Pending misc. application (s), if any, shall also stand disposed of.

28.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

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