



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

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CRM-M No.67183 of 2025

Date of decision : 11.12.2025

Date of uploading : 11.12.2025

Lovepreet Singh @ Prince

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raghav Soni, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, 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.138 dated 24.8.2025 under Sections 21-B, 27-A, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanwind, Amritsar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'The SHO, Police Station, Sultanwind, Jai Hind. Today, myself SI alongwith ASI Surjit Singh 722/ASR, ASI Gurdev Singh No.3472/ASR. CT-Aman Sharma No.2856/ASR, alongwith my private laptop/printer riding on Government vehicle No. PB-65-BG-5228 whose driver is CT Daljit Singh No.2536/ASR in connection with patrolling duty and in search of bad persons left from the Area Police Station. When the police party while patrolling reached at Mohalla Ishwar Nagar's Gali No.04, Near Railway Lines, then from the side of Railway lines one clean-shaven boy was spotted entering in Gali No.04, who was carrying in his right hand one black coloured polythene packet in wrapped condition, who



suddenly on seeing the police party coming from the opposite side got frightened and tried to flee by turning back and tried to throw the carry-bag caught in his hand. Then myself SI on the basis of suspicion got the vehicle stopped, caught him from wrinkle with the help of fellow officials and asked him about the black coloured substance, who spoke and told that there is heroin in the polythene packet and some cash amount is there earned after selling the heroin. That the heroin and drug money has been got recovered suddenly and did not get time for completion of further formalities, on which myself SI told ASI Gurdev Singh No.3472/ASR to join some public witness in the police party, who came back after some time and told that due to city-life, everybody has cited their helplessness and none of the private person could join the police party, on which myself SI asked the name/address of the captured person, who disclosed his name as Lovepreet Singh @ Prince S/o Gurinder Singh, R/o House No.2755, Gali No.07, Guru Nanak Colony, Tarn Taran Road, Amritsar On this, myself SI from my mobile phone opened E-Sakshya APP got videography done from CT-Daljit Singh No.2536/ASR in the presence of fellow officials opened and checked the black coloured polythene packet and then from the polythene packet, one transparent small polythene with heroin and some Indian currency drug money got recovered. That then the SI took out digital balance and weighed the transparent packet which came as 44 grams heroin including polythene packet and myself SI put the heroin and polythene packet in a plastic box and prepared a parcel and on the spot sealed the parcel with my seal SS and after counting the recovered drug money which was one note of Rs.500/- of Indian currency drug money got recovered and the same was put in a black coloured packet and sealed the same with my seal SS and one sample seal also prepared separately. After use, the seal was handed over to ASI Surjit Singh No.722/ASR and after completing form-4, the recovered 44 grams heroin parcel and Rs.500/- Indian currency drug money duly sealed with seal SS alongwith sample seal SS and form No.4 vide separate memo of recovery as proof were taken in police custody as per rules. Memo of recovery got prepared as per rules and on the memo, Lovepreet Singh @ Prince put his signatures and witnesses also put their witnesses. That accused Lovepreet Singh @ Prince above by keeping in his possession 44 grams heroin, Rs.500/- drug money has committed offence u/s 21-B, 27-A, 61/85 NDPS Act. Hence, ruqa got typed and after taking out its printout and for registration of case, sent the same by hand through CT Daljit Singh No.2536/ ASR to the police station. After registration of the case, FIR No. may be informed Special reports may be prepared and sent to the Area Magistrate and Senior Officers. Information may be sent to the Control Room, regarding which for completion of Seizure report u/s 57 NDPS Act may be prepared separately and may be sent to Area Officer. Myself SI alongwith fellow officials got busy on the spot. Today in the area of Mohalla Ishwar Nagar, Gali No.4 AT 08:20 PM. Sd/- Sulakhan Singh.'

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 on account of his antecedents by the police. Learned counsel has further argued that,



taken to be correct, the recovery effected from the petitioner is 44 grams of heroin, which is non-commercial in nature. Learned counsel has further argued that the alleged amount of ₹500/- recovered from the petitioner, shows to be as drug money, is *sans* any basis. 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 has further iterated that the petitioner is accused of offence pertaining to commercial quantity under the NDPS Act, and thus, his bail petition is barred in view of the Section 37 of the Act. Learned State counsel seeks to place on record custody certificate dated 10.12.2025 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 and is in continuous custody since then. Culmination of investigation as also the trial, emanating therefrom, in case occasion so arises, will take long. The contraband alleged to have been recovered from the petitioner is 44 grams of heroin, which is non-commercial in nature. *Ergo*, the provisions of Section 37 of NDPS Act would not apply. Further, the invocation of Section 27A of NDPS Act is on account of alleged recovery of ₹500/- but the basis thereof is confessional statement of the petitioner himself, which is not tenable in law. 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.

6.1 As per custody certificate dated 10.12.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 3 months and 14 days. As per the said custody certificate, the petitioner is stated to be involved in 2 more cases/FIRs and had been convicted. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi v. State of U.P. and another, 2012 (1) RCR (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das v. State, 1998 (2) RCR (Criminal) 477* & judgments of this Court in *CRM-M No.38822-2022* titled as *Akhilesh Singh v. State of Haryana*, decided on 29.11.2021, and *Balraj v. State of Haryana, 1998 (3) RCR (Criminal) 191*.

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.

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

(SUMEET GOEL)
JUDGE

11.12.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No