



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

233

CRM-M-68910-2025 (O&M)

Date of decision: 11.12.2025

Harmanpreet Singh alias Hamu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. L.S. Sekhon and Mr. Gurkirat Singh, Advocates
for the petitioner

Mr. Jasjit Singh, DAG Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.0094 dated 23.12.2024, registered under Sections 22 and 27 of the NDPS Act, 1985 at Police Station Sherpur, District Sangrur.

2. Learned counsel contends that the petitioner, who is 21 years old, has been in custody for more than 11 months. He alleges false implication. The alleged recovery from him is marginally above the non-commercial quantity, it being 108 grams of Clonazepam, which was effected from a polythene through on the ground, thus, it is debatable that the petitioner was in conscious possession thereof. There is non-compliance of mandatory provisions of Sections 42 and 50 of NDPS. No independent witness was joined at the time of recovery. Co-accused Sukhvir Singh @ Sukhi has been granted bail by this Court vide order dated 02.12.2025, Annexure P-3, after being in custody for 11 months and 6 days. Charges have been framed on 11.07.2025 and only 1, out of



12 PWs, has been examined. The petitioner is involved in 1 more case under NPDS Act involving small quantity of contraband, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 10.12.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 11 months and 15 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the submissions with regard to stage, co-accused having been granted bail and the petitioner being not involved in any other case.

5. Heard.

6. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc."

7. This Court had granted the concession of bail in **Karandeep Singh @ Sunny vs. State of Punjab**, CRM-M-9712-2021, on 06.09.2021, a case of recovery of 270 and 150 grams of heroin from two accused, being marginally higher than non-commercial quantity after about 11 months. Similarly in **Simrapal Singh vs. UOI**, CRM-M-10276-2021, on 17.09.2021, the custody



being of about 1 year and the recovery of 1.5 grams of charas, marginally above non-commercial quantity, against which the SLP filed by UOI was dismissed on 23.01.2023, in **Basanti Mondal and Ors. vs. State of West Bengal**, SLP (Crl.) No.12586/2022 on 29.03.2023, to the lady after 1 year of custody, recovery being of 6548 bottles, each contained 100 ml of phensedyl cough linctus codeine and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined.

8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 11 months and 15 days; on bail in other case; co-accused is on bail; charges were framed on 11.07.2025, however, out of 12 PWs, only 1, has been examined so far, the trial is likely to take a considerable time, further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

9. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce,



induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

11.12.2025
M.Kamra

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