

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

130

2026:PHHC:041330



CRM-M No.3858 of 2026
Date of decision : 17.3.2026
Date of uploading : 17.3.2026

Harmesh Singh @ Ramesh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Harmanpreet Singh, Advocate, for the petitioner

Mr. Adhiraj Singh, AAG, 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.184 dated 23.11.2025, under Sections 21, 27-A, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Chattiwind, District Amritsar Rural.

2. The gravamen of the allegations against the petitioner is that he is an accused of being involved in an FIR pertaining to NDPS Act involving 30.75 grams of heroin and ₹2450/- as drug money allegedly recovered from the petitioner and his co-accused by the police party.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 21.12.2025. Learned counsel has further submitted that

the mandatory provisions of the NDPS Act have not been complied with, and thus, the prosecution case suffers from inherent defects. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the contraband alleged to have been recovered from the petitioner is 15.20 grams of Heroin (out of total 30.75 grams of heroin), which is non-commercial quantity specified in the notification issued under the NDPS Act. Thus, regular bail is prayed for.

4. Learned State counsel seeks to place on record custody certificate dated 16.3.2026. Learned State counsel has opposed the present petition by arguing that allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel has further submitted that the instant bail plea is barred by the rigors of Section 37 of the NDPS Act, and thus, the same ought to be dismissed.

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

6. The petitioner was arrested on 21.12.2025. The matter is still under investigation and challan is yet to be presented. It is, thus, indubitable that conclusion of the trial will take long. It is not in dispute that the contraband allegedly recovered from the petitioner is 15.20 grams of Heroin, which is non-commercial quantity. Section 27A has been invoked on the ground of recovery of ₹1200/- (out of total recovered money of ₹2450/-) which is stated to be drug money. However, at this juncture there is nothing forthcoming to suggest that alleged recovery of ₹1200/- affected from the petitioner is drug money. The rival contentions

raised at Bar 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 the custody certificate dated 16.3.2026, the petitioner has already undergone a total custody period of 2 months and 22 days & is shown to be involved in other FIRs/cases. 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.

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

(SUMEET GOEL)
JUDGE

17.3.2026
Naveen

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