



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

257

CRM-M-10948-2026 (O&M).

Date of Decision: 26.05.2026.

Lovejeet Singh @ Lovely

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sunny Saggar, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, Deputy Advocate General, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS (corresponding Section 439 Cr.P.C.) seeking regular bail in case FIR No.0031 dated 25.09.2024, under Sections 21/29/61/85 of NDPS Act (Sections 25, 27, 54, 59 of Arms Act added later on), registered at Police Station Fatehgarh Panjtoor, District Moga.

2. As per the prosecution, co-accused Gurpreet Singh @ Gopi was sitting on an Activa scooter as the last pillion rider behind his two co-accused, namely Lovejeet Singh @ Lovely (petitioner herein) and Manpreet Singh @ Mani. During the search, 500 grams of heroin and a .32 bore pistol along with three live cartridges were recovered from the dickey of the Activa scooter, while the driving seat of the scooter was occupied by petitioner-Lovejeet Singh @ Lovely.

3. Learned Counsel for the petitioner submits that petitioner, who is in custody since 25.09.2024, had no knowledge of the articles lying in the

dickey of the Aactiva scooter, and therefore, it is for the prosecution to prove the charges against him beyond a reasonable doubt. Further submits that there is no other case against the petitioner under NDPS Act. Also submits that co-accused Jagpal Singh has already been granted the concession of regular bail by the co-ordinate Bench of this Court vide order dated 26.03.2025 passed in CRM-M-598-2025 and co-accused Gurpreet Singh @ Gopi has also been extended the concession of bail by this Court, vide order dated 07.04.2026 passed in CRM-M-60818-2025. In view of the above, counsel prays for the grant of regular bail to the petitioner.

4. On the other hand, learned State Counsel submits that petitioner was sitting on the Aactiva scooter along with co-accused at the time of recovery of 500 grams of heroin and .32 bore pistol with three live cartridges. He further submits that the petitioner's role in the incident cannot be considered minor, and considering the nature and quantity of the contraband recovered, the matter is serious. Therefore, learned State counsel prays for dismissal of present petition.

5. I have heard learned counsel for the parties and perused the paper-book along with the appended documents.

6. On being asked by the Court, as to who is the owner of the Aactiva scooter No.PB-02cy-4625, learned counsel for the petitioner submits that as per final report under Section 193 of BNSS, no such investigation was done by the Investigating Officer in regard to the ownership of the scooter, therefore, there would be an additional ground available to the petitioner simply with the allegation that he was sitting on a parked scooter on the front/driving seat is immaterial, because case of the prosecution is not that the scooter is belonging to the petitioner, thus, there cannot be any conscious

possession nor any contraband lying in the scooter. Further explains that challan qua the petitioner was prepared on 15.12.2024, however, a separate statement of one Sukhbir Singh was recorded on 17.12.2024 claiming himself to be owner of the scooter and which had been sold to the petitioner herein.

7. Considering the fact that, admittedly, no narcotic contraband was recovered from the personal search of the petitioner, and the scooter in question does not belong to him, and further noticing that the element of conscious possession or knowledge to the petitioner, regarding the contraband lying in the dickey, is yet to be established, this Court is of the view that no substantial purpose would be served by keeping the petitioner any longer inside jail.

Accordingly, without expressing any opinion on the merits of the case, present petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. Petition stands disposed of. Pending application, if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.05.2026

jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No