

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

2026:PHHC:051122



(206)

CRM-M-11733-2026

Date of Decision: 02.04.2026

Vikramjit Singh

--Petitioner

Versus

State of Union Territory, Chandigarh

--Respondent

CORAM:- HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present:- Mr. Vipul Jindal, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh.

VINOD S. BHARDWAJ.J (Oral)

The petitioner seeks concession of regular bail in case bearing FIR No.4 dated 29.03.2024 under Sections 21, 29 of NDPS Act and Section 201 IPC, registered at Police Station Anti Narcotic Task Force, Sector 11, Chandigarh.

2. The First Information Report was registered on the complaint submitted by SI Sumer Singh, pursuant to a secret information received by the police officials during the course of patrolling duty. It is stated that on 28.03.2024, the complainant along with other police officials, namely HC Anil, Constable Sumit, Lady Constable Sarabjit Kaur, and Constable Sandeep (driver of the government vehicle bearing No. CH01GA-0468), was on routine patrolling duty in the Union Territory area for crime prevention. At about 11:45 PM, when the police party reached the rear side of the bus stand at Sector 43, Chandigarh, a secret informer approached the complainant and conveyed that one Vikramjeet Singh @ Vicky, a resident

of Moga, Punjab, along with a female companion, Avneet Kaur, was engaged in the supply of heroin in Chandigarh and the Tricity region. It was further informed that the said persons were travelling in a Glanza car bearing registration No. PB65AB-0880 and were carrying a substantial quantity of heroin, which they intended to deliver near the small lake at Sector 42, Chandigarh. Considering the information to be credible, the same was communicated to the senior officers and a trap was laid at the indicated location. Upon reaching the vicinity of the small lake at Sector 42, the police party took strategic positions. At about 1:00 AM, a Glanza car bearing the aforesaid registration number arrived at the parking area. A male person alighted from the driver's seat and a female from the passenger seat. They were apprehended and upon identification, they disclosed their names as Vikramjeet Singh, son of Naseeb Singh, resident of Village Baje Ke, Tehsil Dharmkot, District Moga, Punjab, aged 28 years, and Avneet Kaur, daughter of Davinder Singh, resident of House No. 217, D1 Wembley Society, Sector 91, Mohali, aged 22 years. Both individuals were apprehended and the concerned officials were informed. Thereafter, videography and photography arrangements were made and DSP Udaypal Singh reached the spot. Under his supervision, the accused were interrogated, during which they disclosed that heroin was concealed in their vehicle. Upon search of the vehicle, a packet was recovered from behind the music system. The recovered packet was found to be multi-layered and contained a substance resembling heroin. The substance was tested on the spot using a drug detection kit, which returned a positive result for heroin.

The total weight of the recovered substance was initially found to be 1.046

kilograms and after removal of certain layers of packaging, the net weight of the contraband was determined to be 1.012 kilograms. The recovered substance was sealed and the case property, along with the vehicle, was taken into possession. Accordingly, a ruqa was prepared and sent for registration of the present FIR.

3. Learned counsel appearing on behalf of the petitioner, inter alia, raises the following arguments:

(i) That the petitioner is alleged to have been apprehended at about 1:00 AM from the area of Sector 42 Lake, Chandigarh. However, the petitioner had, at an earlier stage, moved an application seeking preservation of CCTV footage covering the route from Kharar to Chandigarh, to substantiate his plea that he had not been apprehended from the stated place of occurrence. It is further submitted that an application under Section 91 of the Code of Criminal Procedure, 1973, was filed by the petitioner on 08.04.2024, pursuant to which the learned Judge, Special Court, Chandigarh, vide order dated 25.04.2024, directed preservation of the relevant CCTV footage. It is contended that despite such direction, the U.T. Police failed to take effective steps to preserve the said electronic evidence, which such CCTV footage, if preserved and produced, would have been of aid to the petitioner and establish that he was not apprehended from the alleged spot at Sector 42 Lake and instead had been taken into custody from Kharar.

(ii) That the report of the FSL does not furnish a complete or detailed analysis of the individual chemical components of the substance recovered. It is submitted that the report lacks specificity with regard to the

percentage of the salts identified therein and does not conclusively establish the nature and purity of the contraband. In such circumstances, the said report is inconclusive in nature and, therefore, cannot be relied upon for sustaining the prosecution case against the petitioner.

(iii) That the arrest memo furnished to the petitioner neither disclosed the grounds of arrest nor did it specify the particulars of the contraband recovered. It is submitted that it was incumbent upon the investigating agency to clearly communicate the reasons for arrest, including the nature and details of the recovery and the failure to do so vitiates the arrest, rendering the same illegal and unsustainable in law. It is further argued that such omission constitutes a violation of the fundamental rights guaranteed under Article 22 of the Constitution of India, which mandates that a person arrested must be informed of the grounds of arrest without undue delay. Learned counsel also submits that the petitioner has remained in custody since 28.03.2024, and that, thus far, only one prosecution witness has been partly examined, thereby indicating a protracted trial. It is additionally contended that the specific plea raised by the petitioner regarding non-supply of the grounds of arrest has not been specifically controverted by the respondent–State. In such circumstances, it is contended that the said assertion stands unrebutted and the respondents are estopped from subsequently seeking to justify or supplement the grounds of arrest at this stage.

To fortify his arguments, learned counsel for petitioner has relied upon various judgements of the Hon'ble Supreme Court as well as this Court, including **Rahul Rahaman Vs. Narcotic Control Bureau, SLP**

(Crl) No.11712/2025 decided on 18.12.2025), Sentu Seikh Vs. State of West Bengal (SLP (Crl.) No.13987/2025 decided on 06.1.2026), Deepak Kumar Vs. State of Punjab (CRA-S-5190-SB-2015 decided on 18.09.2024) and Vihaan Kumar Vs. The State of Haryana and another (SLP (Crl.) No.13320 of 2024 decided on 07.02.2025).

4. Learned Public Prosecutor, while opposing the prayer for grant of bail, contends that a total quantity exceeding 3 kilograms of contraband has been recovered in the present case, out of which 1.01 kilograms was concealed by the petitioner in the vehicle owned and driven by him, behind the music system and the balance was recovered on disclosure. He contends that in so far as the arguments raised by learned counsel for the petitioner are concerned, the specific response thereto is as under:-

(i) That in compliance to the order dated 25.4.2024, report had been sought from the office of the Superintendent of Police, Traffic, SAS Nagar for procuring the relevant CCTV footage, however, a report had been received from the office of S.S.P., S.A.S Nagar on 23.10.2024, wherein details regarding the backup duration of various cameras were furnished. As per the said report, it is indicated that certain cameras had no available backup for the preceding four years, while the retention period of other cameras ranged between 15 to 50 days. Since the relevant period had already lapsed by the time the request was processed, the CCTV footage thus could not be retrieved and secured.

(ii) Responding to the next argument raised on behalf of the petitioner regarding the alleged lack of specific details of the constituents in the forensic report, learned Public Prosecutor submits that the recovery of contraband in commercial quantity stands fully established and the

evidentiary value, its impact and sufficiency of such report are matters to be examined at the stage of trial and not at the stage of consideration of bail. It is further contended that the petitioner has criminal antecedents. Apart from the present case involving recovery of commercial quantity of contraband, the petitioner is also stated to be involved in another case under the NDPS Act registered in the State of Punjab as well as in one case under the Indian Penal Code.

(iii) In response to the submission regarding delay in the recording of prosecution evidence, learned Public Prosecutor submits that there are multiple accused in the present case and that the delay is attributable to the conduct of the accused persons themselves, who have been filing separate and successive applications seeking discharge at different stages. Since the delay is specifically attributable to the petitioner and his other co-accused, they cannot be permitted to capitalize on the same so as to seek concession of bail on the said ground. It is further argued that the bar under Section 37 of NDPS Act applies in the present case. No material has been produced before this Court on the basis of whereof the court may record a finding that the petitioner is neither prima facie involved in the present case nor that he is likely to be convicted and that there is also no possibility of the petitioner indulging in a similar offence. In view of the aforesaid, it is argued that the twin conditions stipulated under Section 37 of the Act are not satisfied and hence, the present petition for grant of bail deserves to be dismissed.

(iv) Adverting to the final argument regarding the grounds of arrest having not been supplied, learned Public Prosecutor submits that the statutory mandate has been complied with by the investigating officials. It is contended that the recovery of contraband was effected from the conscious

possession of the petitioner, the same having been concealed in the vehicle owned and driven by him. It is further contended that the FIR itself discloses the commission of offences under the NDPS Act and the very factum of recovery of contraband constituted sufficient ground for arrest. The petitioner was, therefore, fully aware and apprised of the reasons for his arrest. It is additionally submitted that his consent memo had also been recorded by the police officials prior to conducting the search on seizure. Besides, information about his arrest was also conveyed as per law. Learned Public Prosecutor further submits that the merits of the contentions raised by the petitioner are matters which are to be seen at the stage of trial and not at the stage of grant of bail.

5. I have heard learned counsel appearing on behalf of the respective parties and have perused the documents appended along with the present petition.

6. It emerges from the record that, upon receipt of secret information, the vehicle of the petitioner was intercepted and a notice under Section 50 of the NDPS Act was served upon him. The search of the vehicle was thereafter conducted in the presence of a Gazetted Officer. During the course of such search, a recovery of more than 1 kilogram of heroin was effected from the vehicle, which was owned and being driven by the petitioner, the contraband having been concealed behind the music system. The recovery in the present case has been effected at approximately 1:50 AM.

7. Learned counsel for the petitioner has contended that the petitioner, along with the co-accused, had commenced their journey from a flat taken on rent in Wembley Society, Sector 91, Mohali. A specific query

was put to learned counsel for the petitioner as to the circumstances under which the petitioner, along with the co-accused, chose to travel towards Chandigarh at around midnight. Counsel for the petitioner remains evasive in his response and contends that there could be multiple reasons for youngsters to be heading towards Chandigarh at such an hour and that he was not in a position to offer any specific explanation.

8. At this stage, learned counsel for the petitioner submits that, in fact, the petitioner was not proceeding towards Chandigarh, but was travelling from Moga to Wembley Society, Sector 91, Mohali. The same need not be gone into at this stage as it gives rise to arguable issues.

9. It is further not disputed by counsel for the petitioner that a discharge application had been moved by the petitioner herein, which was dismissed by the Judge, Special Court, and that no revision petition has been preferred against the said order dismissing the application for discharge.

10. Insofar as the reliance placed upon the judgment in Rahul Rahaman's case (supra) is concerned, the same is clearly distinguishable on facts and does not advance the case of the petitioner. The said decision pertains to the requirement of videography at the time of search and seizure proceedings, and does not deal with, or lay down any principle regarding, the preservation of CCTV footage. The issue involved therein being entirely different in nature, the ratio of the said judgment thus cannot be applied to the facts of the present case.

11. Similarly, so far as the judgement in Sentu Seikh's case (supra) is concerned, the same is only an order passed by the Hon'ble Supreme

Court on a bail application. It does not lay down a binding judgement of precedential value in support of the arguments advanced. The said order merely records certain factual considerations that weighed with the Court while granting bail. The reliance on same aspects by the Hon'ble Supreme Court for granting bail does not lay down an absolute rule that on occurrence of such event, bail must essentially be granted.

12. In so far as the judgement in Deepak Kumar's case (supra) is concerned, the observations therein were rendered in the context of appreciation of evidence at the stage of final adjudication and, therefore, the same cannot be transposed to a proceeding at the stage of consideration of bail, where the scope of inquiry is limited and does not entail a detailed evaluation of evidence.

13. Likewise, the reliance placed on Vihaan Kumar's case (supra) is also misplaced. The said case pertained to offences under Sections 409, 420, 467, 468 and 471 read with Section 120-B of IPC. Since the contours of the said case are quasi civil and quasi judicial, hence, the information qua grounds of arrest may be crucial for determining whether the reasons for arrest were legal or not. The said case is not applicable to the facts of the present case since the case pertains to recovery of contraband and the same does not involve any complex or disputed questions of fact necessitating a nuanced evaluation at this stage or having any civil contours and the recovery of contraband from the vehicle of the petitioner constitutes the foundational basis of the prosecution case. It is also not the case of the petitioner that he was unaware of the recovery effected from his vehicle. In such circumstances, the said judgement or the applicability of the ratio laid

down thereunder would be debatable in the facts of the present case.

14. In so far as the contention of learned counsel for the petitioner that the grounds of arrest had not been furnished and the CCTV footage had not been secured, I am of the considered opinion that the said submission has to be weighed in the light of Section 37 of NDPS Act which imposes the twin conditions governing the grant of bail in cases involving commercial quantity of contraband. Section 37 of NDPS Act reads thus:

“37. Offences to be cognizable and non-bailable.—

(1) notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),—

(a) every offence punishable under this Act shall be cognizable;

(b) no person accused of an offence punishable for 3 [offences under section 19 or section 24 or section 27A and also for offences involving commercial quantity] shall be released on bail or on his own bond unless—

(i) the Public Prosecutor has been given an opportunity to oppose the application for such release, and

(ii) where the Public Prosecutor opposes the application, the court is satisfied that there are reasonable grounds for believing that he is not guilty of such offence and that he is not likely to commit any offence while on bail.

(2) The limitations on granting of bail specified in clause (b) of sub-section (1) are in addition to the limitations under the Code of Criminal Procedure, 1973 (2 of 1974) or any other law for the time being in force on granting of bail.”

15. The pre-requisites thus are that the Court is required to record a satisfaction to the effect that there is no likelihood of the petitioner being guilty in the said case and secondly that there was no chance of the petitioner involving himself in a similar case. In the present case, the dismissal of the application of the petitioner for discharge, by the Trial

Court, per se rules against recording of a prima facie satisfaction that no case is made out and it is a case of false implication. The said order having attained finality and not being a subject matter of challenge, hence, this Court would not enter into the legality of the order dismissing the application for discharge. Further, this Court also does not have any material on the basis of whereof it may assume that the bar under Section 37 of NDPS Act would not be operable in the case of the petitioner, at this stage. Moreover, the issue as regards the effect of continued custodial detention as well as the admissibility and evidentiary value of the material collected by the prosecution, are matters which would appropriately fall for consideration at the stage of trial. At the stage of adjudication of a bail application, it is not desirable for the Court to undertake a detailed scrutiny of the evidence or to record findings touching upon its legality, admissibility, or credibility. The Hon'ble Supreme Court of India has consistently held, in a catena of decisions, that at the time of deciding the bail applications, a Court should not comment upon the legality, admissibility and credibility of the evidence that is sought to be relied upon by any of the parties as the same are issues to be gone into, at the stage of trial. Any such observations by the High Court is likely to prejudice the final outcome of the case. Hence, this Court refrains from commenting on the said aspect.

16. Further, taking into consideration the submission advanced on behalf of the petitioner regarding delay in the progress of the trial, I am of the opinion that the said delay has been reasonably explained by the respondents. A strategic prolongation caused by the accused, in unison, in

causing delay in completion of a trial, would not be permitted to be converted into a ground to seek the concession of bail. In view of the facts noticed above, the present petition for grant of bail is dismissed, at this stage.

17. The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

18. One issue which has, however, drawn attention of this Court, is with respect to the laxity shown by the Chandigarh Police in ensuring compliance with the order dated 25.04.2024 passed by the learned Judge, Special Court, Chandigarh, directing preservation of the CCTV footage. Being a part of law enforcement and administration of justice, it is difficult to accept that the respondent-authorities were unaware of the standard retention periods of CCTV recordings installed at toll plazas and other public locations. Be that as it may, the arrest in the present case took place on the intervening night of 28/29.03.2024 and the order directing the respondents to preserve the CCTV footages was passed on 25.04.2024 i.e. within a period of less than 30 days of the arrest. However, the first communication for securing the footage, as stated by the learned Public Prosecutor, was addressed to the office of the Senior Superintendent of Police, Mohali, only on 21.05.2024, thereby reflecting an unexplained delay of nearly one month even after the passing of the order. No satisfactory explanation has been furnished by the learned Public Prosecutor as to why prompt and effective steps were not undertaken to secure and preserve the relevant evidence qua which a direction had also been issued by the

Court. Surprisingly, the State Police continued to rely more on correspondence rather than taking effective steps for securing and preserving the evidence. Although, the ultimate evidentiary effect and impact thereof may not be known at this stage, however, the respondent State was duty bound to ensure that the order is complied with and the evidence is preserved irrespective whether it helped anyone's case or not. The failure to do so reflects a degree of administrative indifference and laxity, which this Court notes with concern.

19. Learned Public Prosecutor has sought to offer an explanation that in the event of non-adherence to the order passed by the Court, the remedy that ought to have been taken is by way of initiation of contempt proceedings against the erring police officials.

20. The conduct of Chandigarh Police, coupled with the casual and indifferent approach in relation to preserving crucial evidence deserves to be taken judicial note of and cannot be countenanced. Maintaining parity of stream of administration of justice is a pious obligation upon all agencies involved therein. All of them are required to act with utmost diligence, fairness and responsibility. The investigating agency should not be permitted to act, whether by design or by omission, in a manner that results in the destruction or loss of evidence, especially when such evidence may have a bearing on the rights of the accused or the fairness of the trial. The obligation to preserve evidence is not contingent upon the perceived utility of such evidence to the prosecution, but extends equally to material that may aid the defence.

21. In the present case, despite a specific direction issued by the

Court for preservation of CCTV footage, the respondent-authorities failed to take prompt and effective steps to ensure compliance. The approach adopted by the respondent-authorities reflects a disregard for the rule of law and the authority of judicial orders by the investigating agency, which this Court is constrained to observe with serious concern.

22. In view of the foregoing discussion and in light of the obligation to ensure sanctity of criminal trials, I am of the opinion that the respondent-authorities have not only failed to comply with the directions issued by the Court, but by their inaction and indifference have caused a serious disservice to the administration of justice.

23. Let a show cause notice, thus, be issued to the Investigating Officer concerned as well as to the Senior Superintendent of Police, U.T., Chandigarh as to why contempt proceedings be not initiated against them for non-compliance of an order passed by the Court and why heavy cost be not imposed upon the erring officials for such lapse. Let the response be filed.

List for compliance on 24.04.2026.

02.04.2026

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(VINOD S. BHARDWAJ)
JUDGE

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