

2026:PHHC:069313



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14528-2026**

Harpreet Singh @ Happy

....Petitioner

versus

State of Punjab

....Respondent

Date of decision: May 05, 2026

Date of Uploading: May 05, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Ms. Samanpreet Kaur, Advocate and
Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Jaypreet Singh, DAG Punjab.

***********SUMEET GOEL, J. (ORAL)**

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (erstwhile Section 439 of Cr. P.C.) for grant of regular bail to the petitioner, in case bearing FIR No.134 dated 23.06.2025, registered for the offences punishable under Sections 21, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), at Police Station Jandiala, District Amritsar Rural.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in an FIR pertaining to NDPS Act involving alleged recovery of 05 grams of Heroin and drug money of Rs.850/- from co-accused, namely, Akashdeep Singh alias Billi, and the said co-accused,

implicated the petitioner in this case and further alleged recovery of 15 grams of Heroin and drug money of Rs.1,500/- was effected from the petitioner.

3. Learned counsel for the petitioner has iterated that the petitioner was arrested on 24.06.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has urged that the petitioner has been implicated on the basis of disclosure statement of co-accused, which is not tenable in law. Learned counsel has further urged that there is no direct evidence to show complicity of the petitioner with the alleged offence. Learned counsel has submitted that rigors of Section 37 of the NDPS Act are not attracted as the contraband alleged to have been recovered from the petitioner is non-commercial in nature. Learned counsel has further argued that no offence under Section 27-A of the NDPS Act is made out as there is no allegation that the petitioner was financing illicit trafficking of the contraband and/ or was harbouring the offenders. Learned counsel has urged that co-accused of the petitioner, namely, Arshdeep Singh has been granted concession of regular bail, vide order dated 12.11.2025 passed in **CRM-M-55759-2025**. Thus, regular bail is prayed for.

4. Learned State counsel has filed status report by way of an affidavit dated 27.04.2026, in the Court today, which is taken on record. Raising submissions in tandem with the said status report, learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner ought not to be extended concession of 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.

Learned State counsel seeks to place on record custody certificate dated 04.05.2026, in the Court today, which is taken on record.

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 24.06.2025 and is in continuous custody since then. Culmination of trial will take long time. Concededly, contraband allegedly recovered from the petitioner is 15 grams of Heroin along with drug money of Rs.1,500/-, which is non-commercial in nature. Co-accused of the petitioner has been accorded the concession of regular bail by co-ordinate Bench of this Court. The rival contention raised at Bar give rise to debatable issues, which shall essentially 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 04.05.2026 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 10 months and 08 days.

6.2. Further, as per the said custody certificate the petitioner is stated to be involved in other FIR(s). 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*. In this view of the matter, the rigor imposed under Section 37 of the NDPS Act stands diluted in light of the Article 21 of the Constitution of India.

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, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned trial Court/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned trial Court/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 cellphone 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/Illaq 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 trial Court/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.
11.

Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

May 05, 2026
mahavir

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No