



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
223

CRM-M-27129-2026
Decided on : 19.05.2026

Amanpreet Singh @ Amarpreet Singh @ Sonu . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Saroj Kumari, Advocate for
Mr. Vinod K. Kaushal, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Amanpreet Singh @ Amarpreet Singh @ Sonu	182	05.11.2019	S. 21 of NDPS Act, 1985 (offence u/s 22, 61, 85 of NDPS Act, 1985, added later on)	Gharinda	Amritsar Rural, Amritsar

2. Learned counsel for the petitioner submits that on 05.11.2019, while the police party was on patrolling duty, petitioner – Amanpreet Singh @ Amarpreet Singh @ Sonu, allegedly attempted to throw away a polythene bag taken out from his pocket, however, he was apprehended and upon search thereof, 10 grams of heroin was recovered from the said polythene bag. Thereupon, impugned FIR was registered on the same day.



Further submits petitioner was granted concession of regular bail on 18.12.2019 (Annexure P-2) by the learned Judge, Special Court, Amritsar. However, on account of registration of another case, i.e., FIR No.29, dated 28.01.2019, under Section 22 of the NDPS Act, registered at Police Station Lopoke, District Amritsar, petitioner was re-arrested and his prayer for bail in the said case was also dismissed vide order dated 14.11.2023 (Annexure P-3), passed by the learned Judge, Special Court, Amritsar.

3. Learned counsel further submits that on account of his custody in the aforesaid second case, petitioner could not appear before the learned trial Court in the proceedings arising out of the present FIR, i.e., FIR No.182 dated 05.11.2019.

It is contended that after being granted bail in the second case, the petitioner himself moved an application for surrender on 10.03.2024 and since then, he is inside the jail in the present case.

It is further submitted that in the present case, recovery of only 10 grams of heroin has been effected from him, which falls within the non-commercial category under the NDPS Act.

Thus, in the given circumstances, learned counsel for the petitioner prays for grant of concession of regular bail to the petitioner.

4. Learned State counsel, while opposing the prayer for bail, submits that although the recovery effected in the present case falls within the non-commercial category, however, petitioner is a habitual offender, as he was also involved in another case under the NDPS Act.

However, learned State counsel fairly concedes the factual assertions noticed here-above.



5. I have heard learned counsel for the parties and perused the material available on record with their able assistance.

6. It is an admitted position that at the first instance, petitioner had already been granted concession of regular bail in the present case after remaining inside the jail for a period of 43 days. It is also not disputed that the recovery effected from the petitioner falls within the non-commercial category and, therefore, rigours of Section 37 of the NDPS Act are not attracted in the present case.

No doubt, petitioner has criminal antecedents; however, mere involvement in another case under the NDPS Act cannot be taken as the sole ground to deny the concession of bail in the present case, particularly when the recovery involved herein is of non-commercial quantity. Besides, trial is not likely to conclude in the near future.

7. Thus, considering the totality of the circumstances, including the nature and quantity of the contraband allegedly recovered, the period of incarceration already undergone by the petitioner, and the status of his antecedents as reflected from the record, and without expressing any opinion on the merits of the case, this Court deems it appropriate to extend the concession of regular bail to the petitioner.

Consequently, prayer made in the 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly



or indirectly.

9. Any of the discussion done and recorded here-above, 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.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

May 19, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*