



CRM-M-28458-2026

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

CRM-M-28458-2026

Date of Decision: 22.05.2026

Pawanpreet Singh @ Bhaga

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Amarjeet Kaur, Advocate for
Mr. Sukhbir Maandi, Advocate, for the petitioner.
Ms. Diya Sodhi, Sr. DAG, Haryana.

Rajesh Bhardwaj, J. (ORAL)

1. Prayer in the present petition is for grant of regular bail to the petitioner in a case FIR No.01 dated 02.01.2026, registered under Sections 21, 27-A of NDPS Act, 1985 (offence under Section 21-B, 29, 61, 85 of NDPS Act added lateron), at Police Station Chattiwind, District Amritsar (Rural).

2. Succinctly, facts of the case are that on 02.01.2026 the police party while on patrolling when reached on the bridge of canal of village Verpal, then they saw a young man coming from the left side of link road. On seeing the police party, he got perplexed and threw a plastic envelope after taking out from the right pocket of his lower. However, the police apprehend him. On asking, he disclosed his name to be Satnam Singh. On suspicion, search of the envelope being thrown by him was conducted and 5.68 grams of heroin was recovered from the same. He failed to produce any licence regarding the possession of the same, and thus, on registration of the FIR, he was arrested on the spot. The investigation commenced. Samples

taken were sent to the FSL. During the investigation, complicity of the



petitioner, namely, Pawanpreet Singh @ Bhaga was surfaced as was found to be the supplier of the contraband. Hence, he was also arrayed as an accused and was arrested on 03.01.2026. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 24.04.2026. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely and frivolously implicated in the present case. She submits that 5.68 grams of heroin has been allegedly recovered from the co-accused. However, the petitioner was roped in the present case on the basis of the disclosure statement of the co-accused, which is not even an admissible evidence. She submits that even otherwise the alleged recovered contraband is 5.68 grams of heroin which is marginally above the small quantity and falls under the non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. To buttress his arguments, he submits the petitioner has no criminal antecedents. He, thus, has submitted that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently controverted the submissions made by counsel for the petitioner. It is submitted that it was a case of chance recovery. It is submitted that 5.68 grams of heroin was recovered from the co-accused and during the investigation, complicity of the petitioner was found to be as supplier of the said contraband. On instructions, she has submitted that the case is under investigation. She has



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placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is deciphered that the alleged recovery of 5.68 grams of heroin was effected from the co-accused and not from the petitioner. The petitioner had been arrayed as accused in the present case on the basis of the disclosure statement of the co-accused. Admittedly, the recovered contraband i.e. 5.68 grams of heroin is marginally above the small quantity. The custody certificate would show that the petitioner has suffered incarceration of 04 months & 18 days as on 21.05.2026. As per the custody certificate, the petitioner has not criminal antecedents. The case is under investigation.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

22.05.2026
sharmila

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No

(RAJESH BHARDWAJ)
JUDGE