

2026:PHHC:001297



226 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45196-2025
Date of Decision: 09.01.2026

Sehajpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.22 dated 12.04.2024 registered against him, for commission of offences punishable under Sections 21/25/59 of Narcotic Drugs and Psychotropic Substances, Act 1985 at Police Station SSOC Amritsar, District Amritsar, has prayed for grant of bail.

2. Relevant facts emerging from documents on record be noticed hereinbelow:-

On 12.04.2024, police team headed by SI, Shivraj Singh, received a secret information that Diljaan Singh @ Jaanu s/o Dilbag Singh R/o Burj Rai Ke, P.S. Sadar Patti, Distt. Tarn Taran, and Sehajpreet Singh (petitioner) S/o Gurbinder Singh, R/o Mano Chahal Khurd, P.S. Sadar Tarn Taran, Distt. Tarn Taran, are habitual of indulging in illegal smuggling of contraband. In the recent days, the aforesaid two have procured a huge consignment of “heroin” and can be apprehended red handed along with the

contraband near Mandhuban Park, B-Block, Amritsar, in white coloured I20 car bearing No.PB-02-DC-2063. On finding the information reliable, ruqa was sent for registration of case u/s 21,25,29,61,85 of NDPS Act and raid was conducted. Police officials reached at the disclosed site and noticed an I20 car parked wherein one person was sitting on the driver seat and another one was standing outside the car. On seeing the police party, the driver of the car switched on the ignition and tried to speed away, but both the persons were apprehended. The driver of the car introduced himself as Diljaan Singh @ Jaanu whereas the person who was standing outside the car revealed his identify as Sehajpreet Singh (present petitioner). Both of them were informed about their legal rights u/s 50 the NDPS Act. Further as per prosecution, the search of the car was conducted by DSP, from underneath the driver seat, 1 kg 'Heroin' was recovered. Both Diljaan Singh @ Jaanu and Sehajpreet Singh (present petitioner) were arrested. Proceedings u/s 52A were initiated. During the course of the investigation, it came to the notice of the police authority that one Jaideep Singh s/o Jatinder Singh was the registered owner of the I20 car. Co-accused Diljaan had borrowed the car from Jaideep, who was not aware that the vehicle would be misused.

On culmination of investigation, challan was prepared and filed in the Court. Petitioner-accused, who was arrested on 12.04.2024 moved an application for grant of bail before the learned Judge, Special Court, Amritsar. The same was dismissed vide order dated 04.01.2025. Aggrieved of which, present petition has been filed.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, the vehicle from which the contraband was allegedly recovered does not belong to him, he is not the registered owner of the said vehicle. No contraband was recovered from his conscious

possession. Further the falsity of the case set up by the prosecution is apparent from the fact that despite receiving secret information in advance, no efforts were made by the I.O. to involve any independent person as a witness to the case proceedings. It is further the submission of learned counsel that the mandatory provisions of Sections 42, 50 and 52 of the Act were also not complied by the IO.

The next leg of submission raised by the counsel for the petitioner is that though charge was framed against petitioner and co-accused Diljaan on 07.01.2025 but out of 21 prosecution witnesses only 04 have been examined and thus the possibility of completion of trial in the near future, is quite remote. In the factual scenario of the case in hand, when nothing was recovered from the personal possession of the petitioner, lenient view deserves to be taken in his favour, for his further incarceration in custody would not serve any useful purpose and would also be violative of Fundamental rights guaranteed under Article 21 of the Constitution of India. Primarily with this submission, prayer for allowing the petition has been made.

4. *Per contra*, learned State counsel while referring to the status report dated 24.10.2025 filed by way of affidavit of Mr. Balbir Singh, PPS, Deputy Superintendent of Police, Counter Intelligence, Amritsar has opposed the request for grant of bail on the ground that petitioner and co-accused Diljan Singh are habitual offenders. Based on secret information, the police team headed by the Sub-Inspector Shivraj Singh caught both the petitioner and co-accused Diljaan Singh red handed while keeping 1 Kg. 'Heroin' in vehicle in which they were travelling. Learned State counsel further contends that contraband recovered in the present case falls within the 'Commercial Quantity'. In view thereof, rigors of Section 37 of NDPS Act are attracted

which bar the grant of bail, unless the twin conditions prescribed in the provision are satisfied. If lenient view is taken in favour of the petitioner, the likelihood of him indulging in the similar offence cannot be ruled out. Dismissal of the petition has been prayed for.

5. I have heard the learned counsel for the parties and have gone through the documents on record.

6. Before proceeding to discuss the rival contentions, it would be appropriate to refer to judgment of Hon'ble Supreme Court wherein case titled as ***Shambu Lal Gurjar Vs. State of Rajasthan, SLP Criminal 16671 of 2024***, decided on 23.04.2024, it was held as under:-

“The allegations against the petitioner is that there is a recovery of 60 kgs poppy husk/straw (contraband article) from him and prior to this incident, he has three criminal antecedents relating to the NDPS Act registered in the year 2019, 2021 and 2022. The third bail application of the petitioner was dismissed by the High Court. He has already undergone about 1 year and 8 months in jail.

Heard learned counsel for the petitioner and the respondent State.

Considering the fact that the contraband article is a poppy straw although he has three criminal antecedents but since he has been in jail for the last 1 year and 8 months, we are of the opinion that a case of bail is made out for the petitioner.”

Further in ***Chitta Bishwas @ Shubash Vs. State of West Bengal Law Finder Doc Id# 1938935***, considering the duration of custody and progress in trial, Hon'ble Supreme Court granted bail to an accused/appellant who was found in possession of 46 bottles of PHENSYDRYL Cough Syrup containing codeine mixture above commercial quantity.

In ***Md Aliul Islam @ Aliul Islam @ Aliul Vs. State of West Bengal Law Finder Doc Id# 2734487***, Hon'ble Supreme Court granted bail to an accused, involved in a case under Section 21(c)/27A of NDPS, considering custody period and similarity with other accused, whose bail had been allowed.

Similarly in ***Devrata Mondal Vs. State of West Bengal Law Doc Finder Id # 2734476***, on the ground of prolonged custody and parity with other accused, co-accused Davrata, who was allegedly caught keeping in his possession 290 bottles of PHENSYDRYL Cough Syrup (Commercial quantity) was granted the concession of bail by the Hon'ble Supreme Court.

In ***Santarul Islam Vs. State of West Bengal, Law Finder Doc Id# 2735329***, Hon'ble Supreme Court granted bail to the petitioner who was also caught keeping in his illegal possession of PHENSYDRYL Cough Syrup (on the ground of prolonged custody and nature of contraband).

Having gone through the aforesaid judgments, it is clear that Constitutional liberty must override the statutory embargo. Guided solely by the said principle and considering that the possibility of completion of trial in near future is quite remote, petitioner who has been in custody since 12.04.2024 deserves a lenient view. This Court is, thus, of the opinion that in the facts and circumstances as mentioned hereinabove, further incarceration of petitioner in custody would not serve any purpose. Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned. The petitioner shall abide by the following conditions:-

- (i) The petitioner shall not leave the country without prior permission of the trial Court and shall deposit the passport in the trial Court.*
- (ii) The petitioner will not tamper with the evidence during the trial.*
- (iii) The petitioner will not pressurize/ intimidate the prosecution witnesses.*
- (iv) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.*
- (v) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.*
- (vi) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade*

him/her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.

(vii) The petitioner shall not in any manner misuse his liberty.

(viii) The petitioner shall furnish his address and mobile number to the Trial Court forthwith and shall not change the same till the conclusion of the trial and in case for any reason, the petitioner seeks to change any of the aforesaid, the same shall be done only with prior intimation to the learned Trial Court, stating the reason for the same.

(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

7. Accordingly, the present petition is allowed and it is made clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

In view of the above, it is clarified that the observations made herein are limited for the purpose of present proceedings and would not be construed as an opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

09.01.2026
Parveen kumar

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No