



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

116+242

CRM-M-53039-2025 (O&M)
Date of Decision : 14.01.2026

UDAYPARTAP SINGH ALIAS BALLI

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Mr. Navrajdeep Singh, Advocate
for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J. (ORAL)

CRM-38551-2025

By virtue of the present application, petitioner-accused prays for amending the Head note and prayer clause and of the petition by adding Section 29 of NDPS Act, which was incorporated later in the FIR in case bearing FIR No.82 dated 09.06.2025 under Sections 21-B, 27-A, 61, 85 of NDPS Act, registered at Police Station Sultanwind, District Amritsar.

For the reasons mentioned in the application, the same is allowed. Newly added offence under Section 29 of NDPS Act be also read in the Head Note and prayer clause of the petition.

CRM-M-53039-2025

1. By virtue of the present petition under Section 483 BNSS, petitioner, an accused in case bearing FIR No.82 dated 09.06.2025 registered against him,



for commission of offences punishable under Sections 21-B, 27-A, 61, 85 of Narcotic Drugs and Psychotropic Substances, Act 1985 (Section 29 of NDPS Act added later on) at Police Station Sultanwind, District Amritsar, has prayed for grant of bail.

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

On 09.06.2025 based on chance recovery, police team headed by ASI Kamaljit Singh seized 08.37 grams of Heroin (marginally more than small Quantity) from possession of Udaypartap Singh @ Balli (present petitioner), son of Bachittar Singh, r/o Guru Ka Khuh, Tarn Taran. Drug money of Rs. 580/- was also recovered from him. After the statutory formalities were completed at the site. Formal case vide FIR No.82 dated 09.06.2025, u/s 21-B, 27-A, 61, 85 of NDPS, Act 1985 (Section 29 of NDPS Act added later on) was registered against petitioner, who was arrested at the site.

It is further the case of prosecution that during interrogation, petitioner confessed that having purchased the said contraband from one Sajan Singh @ Kana, son of Manjit Singh. Resultantly, Sajan Singh @ Kana was also nominated as accused and offence u/s 29 of NDPS Act was added.

3. Petitioner-accused, who was arrested on 09.06.2025 moved an application for grant of bail before the learned Judge, Special Court, Amritsar. The same was dismissed vide order dated 21.08.2025. Aggrieved of which, present petition has been filed.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. Requisite statutory formalities of Sections 42 and 50 of the Act were not complied with. The fact that no independent person arrayed as a 'witness' to the case proceedings itself raises doubt on the



genuineness of the story put-forth by the prosecution. It is further the submission of learned counsel that co-accused Sajan Singh @ Kana, who was nominated on the basis of disclosure statement of present petitioner has since been granted the concession of bail by the learned Judge, Special Court, Amritsar, vide order dated 06.01.2026.

The next leg of submission raised by learned counsel for the petitioner is that petitioner, whose past antecedents are quite clean in the sense that he is not involved in any other case of like nature, deserves a lenient view to be taken in his favour, for though investigations qua him are complete but the likelihood of competition of trial in the near future is quite remote, hence his further incarceration in custody would not serve any useful purpose, moreso, investigations qua him are complete. Further as per learned counsel, rigors of Section 37 of NDPS are not applicable in the facts and circumstances of the case in hand: the quantity of contraband allegedly recovered being marginally more than 'small' quantity. Primarily with this backdrop, it has been prayed to extend the concession of bail to petitioner, who has been in custody since 09.06.2025.

5. *Per contra*, learned State counsel while referring to the status report dated 01.11.2025 filed by way of affidavit of Mr. Parvesh Chopra, Assisant Commissioner of Police, South, Amritsar has opposed the request for grant of bail on the ground that petitioner, a professional drug peddler, was caught red handed by keeping in his possession 08.37 grams of heroin, apart from drug money of Rs.580/-. It is prayed that cases under NDPS Act are on the rise and younger generation is get hooked on to the narcotic/contraband, thus strict view needs to be taken. It is further the submission of learned counsel that if extended the concession of bail, the likelihood of petitioner indulging in the similar offence, as



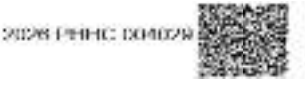
also fleeing from process of justice by not appearing in the Court, cannot be ruled out. Dismissal of the petition has been prayed for.

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

7. In view of the submission advanced by learned counsel for the petitioner but without commenting on the merits of the case, the fact that petitioner, whose past antecedents are quite clean as he is not involved in any other criminal case, and has been in custody since 09.06.2025, the alleged contraband recovered from his possession is marginally more than 'small', as also giving due weightage to the fact that investigations qua him (P) are complete, the Court is of the opinion that no useful purpose would be served by further detention of the petitioner, as the same, without the prospect of trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India, including right to speedy trial and would, thus, also be against the principle of "*Bail is a general rule and incarceration is an exception*" as held by Hon'ble Supreme Court in ***Dataram vs. State of Uttar Pradesh and another, 2018(2) R.C.R. (Criminal) 131.***

Resultantly, petitioner is granted the concession of bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate/Chief Judicial Magistrate concerned. In case, he is unable to arrange local sureties, he is at liberty to deposit the aforesaid amount in the treasury. The petitioner shall further 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.*

8. 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.

(AARADHNA SAWHNEY)
JUDGE

14.01.2026
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No