

**In the High Court of Punjab and Haryana, at Chandigarh****Criminal Misc. No. M-62256 of 2025****Date of Decision: 18.02.2026**

Harshdeep Singh alias Jashan

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Ms. Anmol Thakur, Advocate
for Mr. Deepak Arora, Advocate
for the petitioner(s).

Mr. Rohit Bansal, Senior Deputy Advocate General,
Punjab, for the respondent.

Surya Partap Singh, J.

1. This petition for bail, is third petition filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023. This petition has been filed with regard to a case arising out of FIR No. 38 dated 28.12.2022 for the commission of offence punishable under Section(s) 21, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter being referred to as NDPS Act, lodged in Police Station Special Operations Cell, District Amritsar, Punjab.

2. Briefly stating the facts emerging from the record are that the FIR of this case came into being at the instance of 'SI Gagandeep Singh' who had reported that on 28.12.2022 when he was leading a team of police officials deputed for patrolling duty a reliable source gave him an input that

Sarwan Singh alias Saba' with the help of his relative, i.e. nephew, namely

‘Harshdeep Singh alias Jashan” (petitioner herein) and ‘Rana alias Pahra’ and some other persons lodged in different jails had formed a gang, involved in smuggling at international level and that they had tied up with similar elements across the border in neighbouring country. As per report, it was also reported that ‘Sarwan Singh alias Saba’, ‘Harshdeep Singh alias Jashan” and ‘Rana alias Pahra’ had received a big consignment of ‘Heroin’ and arms & ammunition through international border.

3. It is the case of the prosecution that in view of above-mentioned information, a report was sent to the police station and the senior officers, and thereafter, the suspect Sarwan Singh alias Saba’ and ‘Harshdeep Singh alias Jashan” were apprehended. According to prosecution case on body search of the above named two persons, 10 kgs. of ‘Heroin’ and two pistols alongwith 4 cartridges were recovered from their possession. It has been further alleged by the prosecution, that on recovery of the above-mentioned contraband, the requisite formalities with regard to seizure and sealing of contraband, slapping of FIR and arrest of accused were performed, and further investigation taken up.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent who has been falsely implicated in the present case, and that although this is third petition for bail but the former two petitions filed by the petitioner were not decided on merits. According to learned counsel for the petitioner, the petitioner has already faced a prolonged incarceration for being in custody for a period of more than three years and one month, and that nothing is left to be recovered from the possession of petitioner. While

claiming that there is a delay in trial and due to delay in trial the right of life and personal liberty vis-a-vis speedy trial are being violated, the benefit of bail for the petitioner has been claimed.

6. The learned State counsel has controverted the above mentioned arguments. According to learned State counsel, the recovery of contraband from the possession of petitioner and his co-accused comes within the ambit of commercial quantity and therefore, unless the twin conditions enshrined under Section 37 of the NDPS act are complied with, the petitioner should not be afforded the benefit of bail. As per learned State counsel the petitioner has failed to satisfy any of the two conditions.

7. The record has been perused carefully.

8. A careful perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the recovery of contraband from the possession of petitioner and his co-accused comes within the ambit of commercial quantity and therefore, unless the twin conditions enshrined under Section-37 of the NDPS Act are complied with the petitioner cannot be afforded the benefit of bail;
- ii) that there is nothing on record to show that any of the twin conditions prescribed under Section-37 of the NDPS Act stands satisfied qua the petitioner;
- iii) that the trial in the present case is progressing at a reasonably fast pace as out of 21 prosecution witnesses,

only four are left to be examined. Thus, the trial is likely to be concluded in near future;

- iv) that the petitioner does not have clean antecedents as in addition to present case he is facing prosecution for one more case under Section 332, 353 and 436 etc. of IPC.
- v) that from the date of dismissal of former bail petition no significant change in relevant circumstance has taken place;

9. Taking into consideration the cumulative effect of the above mentioned factors, it is hereby observed that the petitioner is not entitled for the benefit of bail and the present petition being devoid of merits deserves dismissal. Hence, the present petition is hereby **dismissed**, accordingly.

(Surya Partap Singh)
Judge

February 18, 2026
“DK”

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