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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-62073-2025 (O&M)
Date of decision: 10.03.2026

Harkwaljit Singh @ Harkanwal Singh
@ Kawal @ Harkawalpreet Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ramesh Puri, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 258 dated 29.10.2024, registered under Sections 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Gharinda, District Amritsar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 29.10.2024, on the basis of a secret information, the petitioner was apprehended by a police party and recovery of 02 kgs. of heroin and drug money of Rs.1,50,000/- was effected from him. Since he could not produce any valid license or permit to keep in his possession the recovered contraband, he was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from co-accused Sukhchain Singh, who had procured the same from Pakistani smugglers through drones. On the basis of the same, the said Sukhchain Singh was nominated in

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this case as an accused. However, later on, he was found to be innocent. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the recovery of the alleged contraband and drug money, shown to have been effected from the petitioner, was planted by the police officials. Mandatory provisions of Sections 42 and 50 of the NDPS Act were not complied with. No independent witness was joined at the time of effecting alleged recovery from the petitioner. The story put forth by the police party is concocted one. Investigation has since been completed and challan has been presented. The trial is likely to take considerable time to conclude. The petitioner is in custody since 29.10.2024. He has clean antecedents. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report and the custody certificate have been filed by the respondent-State. Learned State counsel has argued that the allegations against the petitioner are quite serious. Huge quantity of heroin along with drug money of Rs.1,50,000/- was recovered from his conscious possession. The rigors of Section 37 of the NDPS Act are attracted against him. Trial is going at a proper pace. It is also argued that if the petitioner is released on bail, he may abscond or indulge in the similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to be found in conscious possession of commercial quantity of heroin on 29.10.2024. Apart from that, recovery of drug money of Rs.1,50,000/- is also alleged to have been effected from him. The

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quantity of the recovered contraband obviously falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. As regards the arguments advanced by learned counsel for the petitioner with regard to non-compliance of the statutory provisions of the NDPS Act during investigation by the police party, the same have direct bearing on the merits of the case, which cannot be looked into at this stage while deciding a bail petition filed under Section 483 of BNSS. There is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

10.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No