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

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CRM-M-63764-2025 (O&M)
Date of decision: 25.03.2026

Harpreet Singh @ Jagga**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Rhythem Bajaj, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 169 dated 05.12.2024, registered under Sections 15 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Haibowal, District Police Commissionerate Ludhiana. His previous petition was dismissed as withdrawn on 21.08.2025.

2. Brief facts of the case relevant for the disposal of the present petition are that on 05.12.2024, the petitioner along with co-accused Jatinder @ Pawan and Mandeep Singh @ Kalu, while coming on a scooter, was apprehended by a police party and recovery of 50 kgs. 500 grams of poppy husk was effected from a bag, which they had thrown on seeing the police party.

Since they could not produce any valid license or permit to keep in their

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possession the recovered contraband, they were formally arrested at the spot. Upon interrogation, they disclosed that the recovered contraband was purchased by them from one Honey, who was also nominated in this case as an accused. He was arrested on 06.12.2024. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The story put forth by the police party is concocted one. In fact, a false recovery was planted upon him and co-accused. The mandatory provisions of the NDPS Act were not complied with properly. Even otherwise, the quantity of the contraband allegedly recovered from the petitioner is marginally higher than the commercial quantity. Investigation has since been completed and challan has been presented before the Court. The trial is likely to take considerable time as out of total 09 prosecution witnesses, none has been examined so far. The petitioner is in custody since 05.12.2024. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. No useful purpose would be served by keeping him in custody anymore. It is, thus, urged that the petition deserves to be allowed. Learned counsel for the petitioner has placed reliance upon the judgments cited as *Amritpal Singh vs. State of Punjab : 2022 (3) Law Herald 1996*, *Karandeep Singh @ Sunny vs. State of Punjab : 2021 (3) Law Herald 2230* and *Mandeep Singh alias Lakhari vs. State of Punjab : 2022 (1) Law Herald 74*, whereby the accused, from whom the contraband marginally above the commercial quantity was recovered, were granted concession of bail.

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4. Status report and the custody certificate have been filed by the respondent-State. Learned State counsel has argued that the petitioner along with the co-accused was apprehended by the police party on 05.12.2024 and recovery of commercial quantity of contraband was effected from them. The rigors of Section 37 of the NDPS Act would be attracted against the petitioner. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is in custody since 05.12.2024. The quantity of the contraband recovered from him is marginally above than the commercial quantity, which is 50 kgs. for the said contraband. Though the allegations levelled against the petitioner make out a prima facie case against the petitioner for commission of subject offence, however, on a perusal of the record, it is apparent that there are no chances of conclusion of the trial in near future and it will take considerable time as out of total 09 prosecution witnesses, none has been examined so far. The petitioner has remained in custody since long. Therefore, keeping in view the aforesaid facts as well as the ratio of law laid down in aforecited authorities, this Court is of the considered opinion that the petitioner deserves to be granted benefit of regular bail. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for

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the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

25.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No