

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

136

2026.PHHC.036368



CRM-M-68907-2025 (O&M)
Date of decision: 10.03.2026.

DEEPAK SINGH @ DEEPU

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. K.B. Raheja, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in case bearing FIR No.92 dated 02.05.2025, under Section(s) 21 (C) of the Narcotic Drugs and Psychotropic Substances Act, 1985, (Section 29 of the NDPS Act added later on), registered at Police Station Canal Colony, Bathinda, District Bathinda.

FIR in the present case reads thus: –

“Today, I, S.I., alongwith H.C. Pankaj Kumar 1900/BTI, H.C. Inderjit Singh 463, Senior Constable Ramandeep Singh 586 & PHG Rampal Singh 21940, on official vehicle i.c. Scorpio bearing Registration No. T 0225 MH 0812, driven by Constable HarvinderSingh 1586/BTI, in connection with patrolling and checking of suspected persons, were going from Kissan Chowk towards Malout via Ring Road. When at about 5.15 P.M., Police party arrived about 10-12 karam behind Sirhind Canal Pul, two youngsters with a Motorcycle found present on right side of Police party i.e. across the road on Palace side. 1, S.I., got suspected and took U-turn of vehicle & stopped near said Motorcycle, where both the said youngsters found doing something with the belongings lying in a black colour bag, tied on side of their motorcycle. On seeing Police party over there, they closed zip of their bag. On seeing disturbance on face of said youngsters, I got suspected about being some intoxicated substance in bag, hanged on side of their motorcycle. I, S.I., tried to involve some private witness with Police party, however no one agreed to join the Police party and everyone showed their compulsion.

Then on having asked by me, S.I., first youngster told his name as Sukhwinder Singh @ Sukha son of Gurnam Singh, while other one told his name as Sukhwinder Singh @ Babbu son of Kaka Singh, residents of Near Govt. School, Basti No. 3, Beed Talab, Bathinda. Then I, S.I., introduced said Sukhwinder Singh @ Sukha & Sukhwinder Singh @ Babbu about my name, rank & place of posting in compliance to the provisions of Section 50, N.D.P.S. Act by saying that I, S.I. Harjiwan Singh No.13/Bathinda, is lying posted as S.H.O., Police Station Canal Colony, Bathinda, I am wearing my official uniform with name plate. I have suspicion that there is some intoxicated substance in black colour bag, hanged by you on side of Motorcycle, coming in your possession, hence your

personal search and frisking of Motorcycle make Hero bearing Registration No.PB 22 X 9626, coming in your possession, is to be conducted under N.D.P.S. Act. However you have got legal right to get conducted your personal search as well as frisking of Motorcycle colour black, coming in your possession, through some Ld. Magistrate or Gazetted Officer, or can be requested to arrive at the spot or you alongwith your bag & motorcycle can be produced before them.”

Learned counsel appearing on behalf of the petitioner contends that the aforesaid FIR was registered against Sukhwinder @ Sukha and Sukhwinder Singh @ Babbu as 513 grams of heroin was recovered from their possession. Counsel contends that the petitioner was nominated as an accused on the basis of disclosure statement made by Sukhwinder @ Sukha. Counsel contends that the petitioner was nominated as an accused on the basis of disclosure statement made by Sukhwinder @ Sukha. The said co-accused disclosed that the contraband was secured from the petitioner. He contends that the petitioner is in custody since 02.07.2025 and that no recovery has been effected from his possession after his arrest and during investigation. The case is still at initial stage of trial and no witness, out of 19 witnesses cited by the prosecution, has been examined so far. He thus submits that conclusion of trial shall take long. He further contends that a co-accused nominated on the basis of disclosure statement was granted regular bail by a Coordinate Bench of this Court vide order dated 17.09.2025 passed in CRM-M-51205-2025 titled as Nachhattar Singh Vs. State of Punjab, after three months of custody.

State counsel, on the other hand, contends that the petitioner has repeatedly involved himself in similar offences and he has two other cases under the NDPS Act, out of which in one case, 125 grams of heroin had been

recovered from him while 80 grams of heroin had been recovered in the second case. He contends that the earlier case(s) establishes the involvement of the petitioner with his co-accused Sukhwinder @ Sukha and Sukhwinder Singh @ Babbu and also his criminal tendency. He further contends that the State of Punjab is under the menace of drugs. The possibility of involvement of the petitioner in repeated offences is writ large.

Having heard the learned counsel for the parties and taking into consideration the factum of the petitioner being involved in two other cases under the NDPS Act, in which actual recovery has been effected from the petitioner and that the petitioner is in custody only since 02.07.2025, hence, it cannot be said that there is an inordinate delay in conclusion of the trial, no case on merits is made out.

In so far as the order dated 17.09.2025 passed in CRM-M-51205-2025 dated 17.09.2025 titled as Nachhattar Singh Vs. State of Punjab granting regular bail to the petitioner therein is concerned, there is nothing on record to suggest that the petitioner therein had criminal antecedents and/or was involved in other cases under the NDPS Act. Hence, principles of parity do not get applied.

The present petition is accordingly dismissed.

The observation made hereinabove shall however, be not construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

March 10, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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