

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

137

2026.PHHC.048384



CRM-M-71278-2025 (O&M).
Date of decision: 27.03.2026.

AMARJEET SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

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

Present :- Mr. Ruhani Chadha, Advocate,
for the petitioner.

Dr. (Ms.) Savi Nagpal, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first 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.261 dated 14.12.2024, under Section(s) 21 and 29 of the
Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police
Station City 1, Abohar, District Fazilka.

Aforesaid FIR was registered on the basis of ruqqa sent by ASI
Bhupinder Singh which reads thus: -

*“Station House Officer Police Station City-1 Abohar. "Jai
Hind". Today I, along with ASI Mohan Lal No. 593/FZR, Senior
Constable Rakesh Kumar No. 843/FZR, Constable Om Prakash*

No. 1114/Fazilka, PHG Chandrabhan No. 11088, PHG Vijaypal No. 6719, had departed for patrolling and checking of suspicious persons in the area of Police Station City-1 Abohar. When the police party was present at Bypass T-Point Masit Dhani, then a special informer gave me information that Amarjit Singh son of Balwant Singh and Raj Singh son of Baldev Singh, residents of village Dhani Karaka Singh, Abohar, who bring heroin and sell it, today also while riding on motorcycle number PB-10-HR-6776, make Bajaj Platina, black colour, are roaming with heroin with the intention to sell it. If immediately a naka-bandi is set up at the road crossing going from Bypass to Dhani Colonel, then Amarjit Singh and Raj Singh mentioned above can be apprehended with heavy quantity of heroin. The information is specific and reliable. The above-said act of Amarjit Singh and Raj Singh fulfils the definition of offence under Sections 21/29/61/85 NDPS Act. Therefore, the present ruqqa is written and for registration of case against Amarjit Singh and Raj Singh mentioned above, is being sent through PHG Chandrabhan No. 11088 to the Police Station. After registering the case, the case number be informed. Special reports be issued in the service of senior officers. PCR Fazilka be informed. A separate report under Section 42 NDPS Act is being sent. I, along with accompanying staff members, proceed for naka-bandi at the road crossing going towards Bypass Dhani Colonel. Sd/- Bhupinder Singh, ASI In-charge Check-post Seed Farm Pakka, Police Station City-1 Abohar. Dated 14-12-2024. At the territorial area Bypass T-Point near Dhani Masit, At: 10:50 PM. Today, as per arrival at the police station, on receiving the above-said ruqqa, a case for the above-said offence against the above-named accused has been registered in the register. The original ruqqa and copy of FIR are being sent through messenger PHG Barmoka to ASI. Special reports have been prepared and are being sent through SC Rajinder Singh No. 773/Fazilka in the service of the Area Magistrate and senior officers. PCR Fazilka

is being informed. Hence the present FIR.”

Learned counsel appearing on behalf of the petitioner contends that it is evident from the above that secret information was received by the police to the effect that petitioner, along with Raj Singh, was engaging in the business of selling heroin and they were on the motorcycle. He contends that the petitioner has clean antecedents and in fact, the recovery memo shows that the petitioner was driving the motorcycle while Raj Singh was the pillion rider and that he had kept his hands in the pocket of the petitioner (being the month of December) probably to avoid the cold wind. He contends that as per the recovery memo, the transparent envelope was tightly held by co-accused Raj Singh. He contends that the petitioner has been nominated as an accused solely because Raj Singh had kept his hands in the pocket of the petitioner, who was driving the motorcycle. He thus contends that there would be arguable issues that would arise for determination with respect to the petitioner being in conscious possession of the contraband recovered in the present case. It is argued that out of 14 witnesses cited by the prosecution, only 02 witnesses have been examined so far. He contends that the petitioner is in custody since 14.12.2024 and has already undergone an actual custody of more than 01 year and 03 months.

State counsel, on the other hand, does not dispute the facts as noticed above i.e. the period of custody already undergone by the petitioner , nature of allegations against the petitioner, his clean antecedents as well as the stage of the trial.

Having heard the counsel for the respective parties and without commenting anything on the merits of the present case, taking into

consideration the arguable issues with respect to the conscious possession of the petitioner, nature of recovery effected, the period of custody already undergone by the petitioner, his clean antecedents as well as the stage of the trial, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be 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 27, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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