



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

243

CRM-M-52461-2025
Decided on : 23.09.2025

Himatpreet Singh @ Himantpreet Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Pragyat Bhardwaj, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Himatpreet Singh @ Himantpreet Singh	108	22.08.2024	22, 27, 29, 61 and 85 of NDPS Act, 1985	Urban Estate	Patiala

2. As per the allegations in the FIR, while the police patrolling team had established a naka and were conducting checks of incoming and outgoing vehicles, a motorcycle bearing registration No. PB-11-BV-8002, make Splendor, was noticed. Petitioner – Himatpreet Singh @ Himantpreet Singh was driving the said motorcycle, and his co-accused 'Amrit Singh' was the pillion rider. Police also observed a black-colored bag placed between the two riders. Upon signalling the motorcycle to stop, co-accused immediately turned the motorcycle sharply to the left, causing it to skid and collide with a wall. As a result, both co-accused Amrit Singh and the petitioner fell onto the road. In



their attempt to flee from the spot, both were apprehended. Upon search, 870 tablets of Plus Parvion Spas containing salt tramadol were recovered from the polythene bag lying between them on the motorcycle.

3. Learned counsel for the petitioner, contends that the primary question involved in the present case is whether the petitioner had conscious possession or not of the contraband allegedly found between the two accused while they were riding the motorcycle. Counsel argues that even the prosecution's version is improbable, as it is difficult to believe that the bag could have remained balanced on the seat of the motorcycle between two riders while it was in motion, without active management. Further, any allegations, if at all sustainable, can only be made against co-accused who was driving the motorcycle, as he is the one who turned the vehicle abruptly upon seeing the police, whereas no overt act implicating the petitioner was observed by the police team.

4. Learned counsel further submits that petitioner is in custody since 22.08.2024 and as of now, he has undergone a total custody period of about 01 year and 28 days. It is also submitted that the petitioner is not involved in any other case, either of similar nature or of any other criminal offence.

Attention is drawn to the fact that co-accused 'Amrit Singh', who is on similar footings, has already been granted the concession of regular bail by this Court vide order dated 29.08.2025 (Annexure P-5) passed in CRM-M-46845-2025, titled "*Amrit Singh v. State of Punjab*". Accordingly, on the ground of parity also, prayer has been made for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel submits that the quantity of contraband recovered in the present case is commercial in nature. The plea



advanced by the petitioner, that he did not have conscious possession of the contraband and, if at all, the allegations apply only to the co-accused, cannot be considered at this stage, as the grant of bail is a discretionary and concessional relief cannot be allowed merely on the basis of such contentions without full appreciation of the evidence.

However, learned State counsel concedes that petitioner is in judicial custody since 22.08.2024, having undergone incarceration for a period exceeding one year. It is further submitted that out of a total of 12 prosecution witnesses, only 01 has been examined, 01 has been given up, and 10 prosecution witnesses remain to be examined.

6. Heard learned counsel for the parties and perused the instant petition. Petitioner is a young individual, aged about 30 years, with clean antecedents and no history of involvement in any other offence punishable under the NDPS Act. In these circumstances, his plea for bail deserves serious consideration.

It is also noticed that the petitioner has already undergone incarceration for a period of more than one year. Out of total of 12 prosecution witnesses, only one has been examined so far, and therefore, conclusion of the trial is likely to take considerable time. Prolonged pre-trial detention, without the trial reaching its culmination, would seriously prejudice the petitioner's liberty as well as his prospects of rehabilitation.

Though the nature of the offence and the recovery being of commercial quantity will require thorough scrutiny during trial, yet keeping in view the petitioner's age, clean antecedents, and the fact that the trial is still at a very early stage, his continued detention does not appear to be warranted.

In view of the totality of these circumstances, and the nature



allegations leveled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of bail to the petitioner, so as to afford the petitioner an opportunity to reform and reintegrate himself in the society.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

September 23, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No