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

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**CRM-M-45944-2024 (O&M)  
Date of decision: 01.04.2025**

**Ganesh Singh**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Sukhwinder Singh, Advocate  
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 121 dated 19.07.2024, registered under Sections 22-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Canal Colony, District Bathinda.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.07.2024, co-accused Tarsem Singh @ Soma and Karanpreet Singh @ Raman, while sitting in an Innova car bearing registration number PB-03-BF-5786, were apprehended by a police party headed by SI Harjiwan Singh and recovery of 01 kg. 05 grams of heroin was effected from them. They were formally arrested at the spot. During the course of investigation, petitioner Ganesh Singh was nominated as accused in this case. Some other persons were also nominated in this case on the basis of the disclosure statement suffered by co-accused Tarsem Singh @ Soma. The

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petitioner was arrested on 22.07.2024. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offence. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 20.08.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statement suffered by the co-accused, which is not admissible in evidence. Mandatory provisions of Sections 42, 50 and 52 the NDPS Act were also not complied with. In fact, the petitioner was arrested on 19.07.2024 but his arrest is shown to have been effected on 20.07.2024. The CCTV footage contained in the pen drive (Annexure P-4) would substantiate this claim. Even otherwise, investigation has since been completed and *challan* has been filed. The trial is likely to take time. The petitioner is in custody since long. 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 has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that though the petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused but during the course of investigation, his complicity in the subject crime has been duly established. The petitioner was actively involved in sale/purchase of heroin. It is submitted that since a commercial quantity of the contraband has been recovered in this case, the rigors of Section 37 of the NDPS Act would be attracted against the

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petitioner. He is involved in two more cases under the NDPS Act. 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. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner has been nominated in this case on the disclosure of co-accused Tarsem Singh @ Soma, who was apprehended by the police party along with co-accused Karanpreet Singh @ Raman and from whose possession, recovery of 01 kg. 05 grams of heroin was effected. The allegations against the petitioner are that he was actively involved in sale/purchase of the contraband with the co-accused. The petitioner is stated to be a part of a gang, which is indulged in smuggling of heroin. The allegations against him are quite serious. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The criminal antecedents of the petitioner are also not clean as he is shown to be involved in two more cases under the NDPS Act. 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. 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. So far as the CCTV

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footage contained in the aforesaid pen drive is concerned, the same was tried to be played on the computer of the Court but it did not play due to technical error. Hence, no inference can be drawn at this stage with regard to arguments raised by learned counsel for the petitioner regarding date of arrest of the petitioner. 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, I am 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.

**01.04.2025***Wasim Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*