



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

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CRM-M-37963-2025
Date of decision: 24.07.2025

Dharamjeet Singh @ Katta

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.34 dated 06.03.2025 under Sections 18(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') registered at Police Station Sadar Faridkot, District Faridkot.

2. Brief facts of the case are that on 06.03.2025, ASI Angrej Singh along with other police officials was present at link road connecting Village Bhana and Village Pacca and at about 12.01 a.m., a young person was seen coming on feet, carrying a khakhi coloured bag in his right hand. On seeing the police party, he became perplexed and tried to flee, however, on the basis of suspicion, he was apprehended. Upon inquiry, he disclosed his name as Gurtirath Singh @ Babbu. After completing the requisite formalities prescribed under the provisions of



NDPS Act, his personal search was conducted and 02 kgs 560 grams of opium was recovered from his possession. Thereafter, on the basis of disclosure statement made by co-accused Gurtirath Singh @ Babbu, vide rapat No.34 dated 06.03.2025, the petitioner has been nominated in the FIR (supra) with the aid of Section 29 of the NDPS Act.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been nominated in the FIR (supra) on the basis of disclosure statement made by co-accused Gurtirath Singh @ Babbu, during his custodial interrogation, which has no evidentiary value in the eyes of law as the same is hit by Sections 25 and 26 of the Evidence Act. Further submits that from conscious possession of the petitioner, 02 Kgs and 560 gms of Opium was recovered and the alleged recovery is only 60 gms higher than the commercial quantity. The entire bulk was taken into possession along with the plastic bag and in case the weight of the plastic bag is deducted, the contraband would fall below the commercial quantity.

4. Learned counsel for the petitioner further submits that the petitioner has suffered the incarceration of 03 months and 04 days and there are total 19 prosecution witnesses cited in the list of witnesses and till date, not even a single prosecution witness has been examined and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate today in the Court which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that



huge quantity of contraband was recovered from the conscious possession of the petitioner, which falls within the ambit of commercial quantity. The petitioner is a habitual offender and the alleged recovery effected in the present FIR, falls under the ambit of commercial quantity and as such, the petitioner is not entitled to any relief, however, he could not controvert the fact that not even a single prosecution witness has been examined till date.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 03 months and 04 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 19 prosecution witnesses, no PW has been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. The recovered quantity exceeds the commercial quantity only by 60 gms and in cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on*



10.01.2023, Jagtar Singh vs. State of Punjab in CRM-M-21460-2022 decided on 08.02.2023, Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024, Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022, Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021) decided on 11.11.2022, 'Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023', and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



9. Finally, in view of the ratio of law laid down by Hon'ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Dharamjeet Singh @ Katta is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

24.07.2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No