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CRM-M-28608-2025

CRM-M-39739-2025

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

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**CRM-M-28608-2025
Decided on : 23.09.2025**

SATNAM SINGH @ SATTA

... PETITIONER

VS.

STATE OF UT CHANDIGARH

... RESPONDENT

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BALJIT SINGH

..PETITIONER

VS.

STATE OF UT CHANDIGARH

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Abhaysher Singh, Advocate for the petitioner
In CRM-M-28608 of 2025.

Mr. Rahul Aggarwal, Advocate for the petitioner
In CRM-M-39739 of 2025.

Mr. Manish Bansal, PP for U.T. Chandigarh.

SANJAY VASHISTH, J. (Oral)

1. Petitioners (Satnam Singh @ Satta), aged about 41 years and Baljit Singh have filed the instant petitions under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.) for grant of regular bail to the petitioners,

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during the pendency of trial, who have been booked in a criminal case arising out of First Information Report, as detailed hereunder :-

Name petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Satnam Singh @ Satta	17	16.02.2025	21 and 29 of NDPS Act, 1985	Sarangpur	UT Chandigarh

Name petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Baljit Singh	17	16.02.2025	21,22 and 29 of the NDPS ACT,1985	Sarangpur	Chandigarh

2. In the FIR it comes out that there were three persons/accused occupying Alto Car bearing Registration No.CH01AF3736 was occupied by three persons/accused namely Ahmad Pal Singh, Satnam Singh @ Satta and Baljit Singh, when all three were running away from the spot by leaving car, all three of them were apprehended by the members of police team and thereon recovery of heroin weighing 19.55 gms from Ahmad Pal, 18.80 gms from Satnam Singh @ Satta who was sitting on the rear seat and 20.02 gms from third accused Baljit Singh who was beside the driver seat and total recovery weighing 58.37 gms.

3. Counsel for the petitioner argues that if the individual quantity recovered is taken into account, it falls under non-commercial quantity but same has been clubbed making it commercial quantity, against by the trial Court which is against the principle of law.

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Counsel further argues that the quantity recovered is non commercial qua each of the accused much less to the commercial quantity. Petitioner being inside the jail since 16.02.2025 i.e. 7 months and 25 days and prays for bail.

4. Counsel for the State doesn't dispute, who has been handed over copy of the petition in the Court and gone through the copy of the petition as well as the impugned order. He is unable to dispute the legal proposition laid down by the Apex Court that the recovery effected in the present case is taken separately from each of the accused. Out of total 18 prosecution witnesses only 02 have been examined so far. He further states that present petitioners are inside the jail since the time of their arrest i.e. 16.02.2025 and also points out that both the petitioners as per custody certificate involved in the other cases also but in those cases they are already on bail.

5. Faced with the situation, petitioners counsel also points out in the other cases also petitioner Satnam Singh @ Satta was involved by the police in a case of non commercial quantity. I have considered this submission addressed by the learned counsel also. I have gone through the judgment of Hon'ble Apex Court has held in ***Amarsingh Ramjibhai v. State of Gujarat 2005(7) SCC 550***. Case of Amarsingh Ramjibhai reads as under:-

“Although, at first blush, the argument of the learned counsel appeared attractive, on careful appreciation of the facts on record we are satisfied that the High Court judgment is

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fully justified and needs to be upheld. It is true that the High Court proceeded on the footing that there was a criminal conspiracy between the appellant and the deceased. Danabhai Virabhai Rabari. In our view, however, there was no warrant for this conclusion at all as there is no evidence to suggest that there was any such abetment and/or criminal conspiracy within the meaning of Section 29 of the Narcotic Drugs and Psychotropic Substances Act. The appellant and Danabhai Virabhai Rabari were found together, but individually carrying the recovered substances. Hence, it was not possible for the High court to take the view that Section 29 was attracted”.

6. After hearing learned counsel for the parties and perused the relevant material available on record and taking into consideration the total custody period of more than period of 07 months and that till now none of the petitioners have been convicted in any of the case under NDPS Act. This Court does not find any substantial reason to keep the petitioners inside for an indefinite period. Therefore, without expressing any opinion on the merits of the case, this Court finds it appropriate to extend the concession of regular bail to the petitioners.

Consequently, prayer made in the instant petition is **allowed**.

Petitioners are ordered to release on bail, subject to their furnishing bail/sureties/bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Illqa Magistrate/Duty Magistrate concerned, if not required in any other case.

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

8. The observation made hereinabove 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 by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

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

10. Petition stands disposed of.

Photocopy of this order be placed on the files of another connected case.

(SANJAY VASHISTH)
JUDGE

September 23, 2025
Poonam Sharma

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No