

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025.PHHC:082354



(299)

CRM-M-33311-2025

Date of decision: 09.07.2025

Palwinder Singh

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahi Mehra, Advocate for the petitioner.

Mr. Karan Batta, AAG, Punjab.

SUMEET GOEL, J. (ORAL):

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.58 dated 11.05.2025 registered for the offences punishable under Sections 21(b), 25, 27-A, 29 (61, 85) of NDPS Act, 1985 at Police Station Sultanwind District Amritsar.

2. The case set up in the FIR in question (as set out by the petitioner in the present petition) is as follows:-

“To the station house officer Sultanwind Amritsar Jai Hind today I, SI along with ASI Avatar Singh 3731, ASI Vikramjeet Singh 3259, ASI Gurudev Singh 3472 along with private laptop were on board government vehicle bearing number PB 65 BG 5228 driven by HC Manjinder Singh 1411, were on patrolling duty in search of suspicious

persons and were going from the area of the police station towards the railway line area of Mohalla Arjun Dev Nagar. That when at the time of patrolling the police party reached in front of the lane number 3 of Mohalla Guru Arjan Dev Nagar narrow lane one Splendor motorcycle bearing number PB-06-T-3222 on which three cut surd boys were travelling was about to enter the lane number 3 it was seen that the last pillion Rider was holding a black polythene bag in his right hand in which something was there. They were astonished on seeing the police party coming from the front and stopped the motorcycle and try to run away. I, SI stopped them on the basis of suspicion and on this the last pillion rider who was holding a polythene bag in his hand tried to throw away the polythene bag then I, SI held his wrist with the help of the Other officials and inquired him about the contents of the polythene bag to which he told that there is heroin and some money in the polythene bag. It is a case of chance recovery and there was no occasion to fulfill the other provisions. On this I, SI try to join a public witness in the area of Guru Arjan Dev Nagar but everyone pleaded there inconvenience being residents of the city and no one was joined in the proceedings. Then I, SI opened the E Sakshya app on my mobile phone and videography was started by HC Manjinder Singh 1411. I, SI one after the other inquired the name of boys travelling on the motorcycle the boy sitting on the last told his name as Paramdeep Singh alias Raja son Paramjeet Singh resident of house number 510 Lane Number 3 Guru Arjan Dev Nagar Tarn Taran road Amritsar and the boy sitting in the middle told his name as Rohit Kumar alias Sunny son of Simranjit Singh resident of Government quarter village Mule Chak Amritsar and the driver of the motorcycle told his name as Palwinder Singh alias Prince son of Sarabjit Singh resident of Bhai Veer Singh Colony village Mule Chak district Amritsar. The search of the three individuals was conducted on my instructions by sepoy Akashdeep Singh 1296 and during the search from the left pocket of the pant as worn by Rohit Kumar alias Sunny weighing scale was recovered which is used to weigh heroin. The accused were not able to present the document regarding the motorcycle on the spot. That thereafter I, SI weighed contents of the polythene bag on my electronic scale and it came out to be 45 grams along with the polythene bag and the recovered cash was also counted by me which included notes of Rs 500 which were 4 in number and notes of Rs 200 five in number total amounting to Rs 3000 in Indian currency was recovered as drug money. The recovered heroine 45 g was put into a

plastic box along with the polythene bag and was put into a cloth bag and parcel was prepared the parcel was stamped by my stamp ending with SS and the recovered money was put into the black polythene bag and there after put into a cloth bag and the parcel was prepared and same was stamped on the spot by my stamp ending with SS and a sample was prepared separately. The compliance of form number 4 was also done. The electronic scale and the motorcycle bearing number PB-06-T-3222 was taken into the police possession by a recovery memo as evidence. The memo of recovery was prepared according to the provisions the accused signed on the recovery memo and the witnesses placed their witness on the recovery memo. The accused Paramdeep Singh alias Raja, Rohit Kumar alias Sunny and Palwinder Singh alias Prince by keeping in their possession 45 G of heroin and Rs 3000 Indian currency as drug money and an electronic weighing scale has attracted offences under Section 21-B, 25, 27-A/61/85 of the NDPS Act and for the reason Ruka is being typed and a printout is taken and the same is being sent to the police station for the registration of a case by hand Manjinder Singh 1411. Let a case be registered and the case number be informed. Thereafter a special report be also prepared and sent for to the area magistrate along with the senior officials along with that the control room should also be also informed. I, SI along with the other officials am present at the place of occurrence for further investigation. Lane Number 3 Guru Arjan Dev Nagar around 7:00 p.m. Sulakhan Singh SI police station Sultanwind Amritsar dated 11.05.2025.”

3. Learned counsel for the petitioner submits that the recovery of the alleged contraband i.e. 45 grams of Heroin and Rs.3000/- of drug money was made actually from the co-accused, Paramjit Singh @ Raja. Learned counsel has further iterated that the petitioner was not aware that the said co-accused was carrying Heroin and drug money. Learned counsel further submits that the petitioner is a young man of 24 years of age and has no criminal antecedents. Thus, regular bail is prayed for.
4. Counsel for the State has opposed the present petition by arguing that the allegations raised are serious in nature and, thus, the petitioner does not deserve the concession of regular bail.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 11.05.2025 and is in custody since then. As per the present prosecution case, the contraband as well as the drug money was recovered from the co-accused. The rival contentions of the parties give rise to debatable issues which shall essentially be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the investigation/trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the remaining prosecution evidence.

As per the custody certificate dated 06.07.2025 filed by the learned State counsel, the petitioner has suffered incarceration of 1 month and 23 days. Further, as per the said custody certificate the petitioner is stated not to be involved in any other case.

Suffice to say, the further detention of the petitioner in custody is not required in the facts and circumstances of the case.

7. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the learned concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.

- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

July 09, 2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No