

**CRM-M-79-2025 (O&M)****1****214****IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****CRM-M-79-2025 (O&M)****Date of Decision: 21.03.2025****SATNAM SINGH @ SHAMA****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Prateek Pandit, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

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**Harpreet Singh Brar, J. (Oral)**

1. This is the first petition filed under Section 439 of Cr.P.C. seeking regular bail for the petitioner, in case bearing FIR No. 19 dated 13.06.2023 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short "NDPS Act") at Police Station Kabirpur (Ahalikalan), District Kapurthala.

2. Briefly, the facts, as alleged, are that on 13.06.2023, when the police party on patrolling duty reached near check dam village Alluwal, they saw one young person coming towards the dam. On seeing the police party, he turned back and started walking briskly. Thereafter, he took out some heavy thing from the left side pocket of his capri and threw it on the side of the road, into the bushes. On suspicion, the aforesaid person was apprehended and he disclosed his name as Satnam Singh @ Shama son of Rattan Singh resident of

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Sahwala. The container thrown by the petitioner was found to be containing 516 intoxicant tablets which were light blue in colour.

3. Learned counsel *inter alia* contends that the alleged recovery is only 0.6g higher than the non-commercial quantity. Moreover, there is total non-compliance of Sections 50, 52-A and 57 of NDPS Act. Furthermore, the police party embarked upon patrolling in a private vehicle, which is in violation to the instructions issued by Director General of Police, Punjab dated 27.04.2015. The petitioner has undergone total custody of more than 01 year and 04 months and till date, not even a single prosecution witness has been examined.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record. He opposes the prayer made by the petitioner on the ground that petitioner is a habitual offender and is also involved in one more case under the NDPS Act.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner has been in judicial custody for a period of 01 year 04 months and 06 days. The final report under Section 173 Cr.P.C. was presented before the concerned Court and subsequently, a charge under Section 22(c) NDPS Act was framed against him. Currently, the trial is at the stage of prosecution witness, but not even a single prosecution witness has been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

6. Further still, the FSL report dated 23.08.2023 (Annexure P-2) indicates that the contraband recovered contains Alprazolam. However, the recovered quantity exceeds the commercial quantity for the said salt only by 0.6g. In cases where the recovery only marginally breaches the threshold for



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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.

7. Moreover, the culpability of the petitioner, if any, would be determined at the time of trial. Therefore, no useful purpose will be served by his further detention. In fact, keeping the petitioner under 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.

8. 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 him the concession of bail.

9. In view the discussion above, the present petition is allowed and the petitioner-Satnam Singh @ Shama is ordered to be released on regular bail during trial on his furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

10. 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



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directed to proceed with the matter on its own merits, lest it may prejudice the trial.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**21.03.2025**

*Ajay Goswami*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*