

**CRM-M-14371-2025 (O&M)****1****219****IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH****CRM-M-14371-2025 (O&M)****Date of Decision: 12.05.2025****AMARJIT SINGH @ PAPPU****...PETITIONER****Versus****STATE OF PUNJAB****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Jasmeet Singh Ghumman, 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 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No. 128 dated 12.05.2021 registered under Sections 18(b), 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter to be referred as 'NDPS Act') (Section 27-A of NDPS Act added later on) at Police Station Phillaur, District Jalandhar Rural.

2. Brief facts of the case of the prosecution case are that on 12.05.2021 ASI Gurnam Singh along with other police officials were travelling in private vehicle for patrolling. When the police party reached near Tea Point Manjha, a turbaned man was seen walking from the front carrying a heavy bag with strings on his right shoulder. On seeing the police party, he threw the bag on the road and started running backwards. Police party stopped the vehicle and caught hold of the accused-petitioner. Thereafter, they verified his name and address. On the basis of suspicion, personal search of the petitioner along with his belongings was conducted. On checking of the bag dropped by the petitioner,

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Indian currency along with opium wrapped in a plastic envelope was recovered. On weighing, weight of the opium electronically was found to be 500 grams & after counting the recovered Indian currency it was Rs.4,51,750/-. Both the recovered currency and opium were sealed separately and accused-petitioner was taken into custody. On this basis, present FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that petitioner has been falsely implicated in the present case and earlier the petitioner was granted the concession of regular bail by learned trial Court on 07.06.2021. The charges were framed on 04.08.2022 and trial of the case proceeded and the petitioner continued to appear before the trial Court and further to substantiate his claim, learned counsel for the petitioner relies upon the zimni orders (Annexures P-4 to P-6) passed by the trial Court. Learned counsel further contends that petitioner is an old man and on one day i.e. on 03.12.2024, he unknowingly did not appear before the trial Court. Thus, his bail order was cancelled and bail bonds and surety bonds were forfeited to the State and non-bailable warrants were issued against him by the learned trial Court vide Annexure P-9. Thereafter, the petitioner preferred petition seeking anticipatory bail before this Court, but the petitioner was arrested during the pendency of said petition and the petition was dismissed as withdrawn on 21.02.2025. Learned counsel further submits that alleged contraband recovered from the petitioner does not fall within the ambit of commercial quantity and as such, the embargo under Section 37 of NDPS Act would not apply.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the grant of regular bail to the petitioner on the ground that petitioner had absented himself from the proceedings before the trial Court without any justifiable cause and he



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has not even filed any application seeking exemption from personal appearance and he is also involved in two more cases. As such, he is not entitled to grant of regular bail by this Court.

5. 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 11 days as on 10.05.2025. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 8 PWs, only 02 have been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner.

6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

*“6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other.”*



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7. 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 accused in other criminal cases cannot be the sole ground to deny him the concession of bail.

8. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner- Amarjit Singh @ Pappu is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Il-laqa Magistrate/Trial Court/Duty Magistrate.

9. 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**

**12.05.2025**

*Ajay Goswami*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*