

CRM-M-30788-2025

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

CRM-M-30788-2025  
Reserved on: 06.08.2025  
Pronounced on: 29.08.2025

Karandeep alias Jayia alias Karandeep Singh alias Teera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Nitesh Singla, Advocate  
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
241	30.11.2024	City Budhlada, Distt. Mansa	20, 21, 22, 61/85 of NDPS Act (Sections 27/29 added later on) and Sections 111, 223 of BNS 2023

1. The petitioner incarcerated for violating the above-mentioned provisions of Narcotics Drugs and Psychotropic Substances Act, 1985 (NDPS Act) per the FIR captioned above, has come up before this Court under Section 483 BNS 2023 seeking bail on the ground that the quantity of contraband is less than commercial and rigours of S. 37 of NDPS Act do not apply.

2. In paragraph 17 of the bail petition, the accused declares that he has no criminal history, however as per para 4(E) of the status report, petitioner has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1	131	20.06.2024	20B of NDPS Act	City Budhlada
2	63	01.06.2018	25, 27 of Arms Act and Sections 307, 323, 379B, 323, 148 & 149 IPC	City Budhlada
3	102	13.07.2020	61/1/14 of Excise Act	City Budhlada
4	220	26.08.2020	61, 69, 78 of Excise Act	Lehra, Sangrur
5	29	26.02.2021	61 of Excise Act	City Budhlada
6	148	20.10.2021	21 of NDPS Act	City Budhlada
7	141	27.08.2023	21A of NDPS Act	City Budhlada
8	131	26.06.2024	20-B & 29 of NDPS Act	City Budhlada
9	108	22.08.2024	61/1/14 of Excise Act	Boha
10	187	13.12.2024	21-B/61/85 of NDPS Act	Malout City

3. The facts and allegations are taken from the reply filed by the State. On 30.11.2024,

CRM-M-30788-2025

a secret information was received qua the involvement of 10 persons in drug peddling including the present petitioner. On 01.12.2024, a raid was conducted by the police party. At the time of raid, accused persons namely Pawan Singh and Ranga Ram were arrested with 45 intoxicating capsules Pregabalin, 60 intoxicating capsules and 280 grams of Ganja were recovered from them respectively. In addition to that 150 grams of ganja was recovered from co-accused Dharma. The Investigator claims to have complied with all the statutory requirements of the NDPS Act, 1985, and CrPC, 1973. During the further investigation, based on the disclosure statement, the police arraigned the petitioner as an accused by incorporating S. 29 of the NDPS Act. and 500 gram ganja was recovered from him

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, or commits any offence under the NDPS Act, where the quantity involved is more than half of the intermediate, or commercial quantity, or violates S. 19, or 24, or 27-A of the NDPS Act, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to following portion of the reply, which reads as follows:-

*“The role of the petitioner:  
From the investigation proceedings, it was ascertained by the answering deponent that all the accused persons including the petitioner had formed a gang of drug peddlers, out of which some gang members are engaged in procurement of drugs, some keep vigilance for easement in drug peddling and some are engaged in supply of drugs. Further Petitioner Karandeep alias Jayia alias Karandeep Singh alias Teera is stated to be one of the member of the drug peddlers and the said gang is being operated by accused Ranga Ram and the Ganja recovered from the petitioner was found to be supplied by Ranga Ram as stated in the disclosure statement of the petitioner. As such, present case/FIR was found to be rightly registered against the Petitioner Karandeep alias Jayia alias Karandeep Singh alias Teera.”*

7. In Maulana Mohd Amir Rashadi v. State of U.P., (2012) 3 SCC 382, Hon'ble

CRM-M-30788-2025

Supreme Court holds,

[10] It is not in dispute and highlighted that the second respondent is a sitting Member of Parliament facing several criminal cases. It is also not in dispute that most of the cases ended in acquittal for want of proper witnesses or pending trial. As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc.

8. While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

9. In *Paramjeet Singh v. State of Punjab*, 2022:PHHC:003983 [Para 8], CRM-M 50243 of 2021, this court observed,

While considering each bail petition of the accused with a criminal history, it throws an onerous responsibility upon the Courts to act judiciously with reasonableness because arbitrariness is the antithesis of law. The criminal history must be of cases where the accused was convicted, including the suspended sentences and all pending First Information Reports, wherein the bail petitioner stands arraigned as an accused. In reckoning the number of cases as criminal history, the prosecutions resulting in acquittal or discharge, or when Courts quashed the FIR; the prosecution stands withdrawn, or prosecution filed a closure report; cannot be included. Although crime is to be despised and not the criminal, yet for a recidivist, the contours of a playing field are marshy, and graver the criminal history, slushier the puddles.

10. As per paragraph 4A of the reply, the name of the contraband is Ganja and its weight is 500 gram, and it constitutes an offense under the following provisions and notifications:

Substance Name	Ganja/ Bhang Patti
Quantity detained	500 Gram
Quantity type	Small
<i>Drug Quantity in % to upper limit of Intermediate</i>	2.50%

CRM-M-30788-2025

<i>Drug's Small &amp; Commercial Qty. suggested by Committee report</i>	
Notification No. & date	Expert Committee Report dated 24.03.1995 & 23.08.2001 (Small and Commercial)
Punishable U/s	S.22(a) of NDPS Act, 1985

<i>Specified as small &amp; Commercial in S.2(viia) &amp; 2(xxiii) NDPS Act, 1985</i>		
Notification No. & dated	S.O.1055(E)	10/19/2001
-		
Sr. No.	55	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	Ganja	
Other non-proprietary name	*****	
Chemical Name	*****	
Small Quantity	< 1000 Gram	
Commercial Quantity	> 20000 Gram	

Declared as punishable under NDPS Act and as per schedule defined in S.2(xi) & 2(xxiii) NDPS Act, 1985		
Notification No. & dated	2(iii)(b) NDPS Act, 1985, S.O.821(E)	11/14/1985

Sr. No.	2(iii)(b)	
Common Name (Name of Narcotic Drug and Psychotropic Substance (International non-proprietary name (INN)	*****	
Other non-proprietary name	*****	
Chemical Name	<p>S.2(iii)(b) ganja, that is, the flowering or fruiting tops of the cannabis plant (excluding the seeds and leaves when not accompanied by the tops), by whatever name they may be known or designated; S. 2(viii b)] "illicit traffic", in relation to narcotic drugs and psychotropic substances, means—</p> <p>(i) cultivating any coca plant or gathering any portion of coca plant;</p> <p>(ii) cultivating the opium poppy or any cannabis plant;</p> <p>(iii) engaging in the production,</p>	

CRM-M-30788-2025

	manufacture, possession, sale, purchase, transportation, warehousing, concealment, use or consumption, import inter-State, export inter-State, import into India, export from India or transshipment, of narcotic drugs or psychotropic substances;
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11. The quantity allegedly involved and recovered from the petitioner in this case is not commercial. Given this, the rigours of S. 37 of the NDPS Act do not apply in the present case.

12. In addition to Ganja, some tablets were recovered from the co-accused, and although the Ganja falls in Small Quantity, but this Court is not sure about the other tablets, and as such releasing the petitioner on bail.

13. As per the custody certificate dated 05.08.2025, the petitioner's total custody in this FIR is 04 months & 28 days.

14. Given the penal provisions invoked, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

15. Without commenting on the case's merits, in the facts and circumstances unique and peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

**CONDITIONS:**

16. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

17. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

18. This order is subject to the petitioner's complying with the following terms.

19. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any

CRM-M-30788-2025

witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

20. Given the background of allegations against the petitioner, it becomes paramount to protect the members of society, detection squad and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearms. [This restriction is being imposed based on the preponderance of the evidence of probability and not of evidence of certainty, i.e., beyond a reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days of release from prison and inform the Investigator of the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and reclaim them in case of acquittal in this case, provided otherwise permissible under the concerned rules. Restricting firearms would instill confidence in society; it would also restrain the accused from influencing the witnesses and repeating the offense.

21. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense and also to block the menace of drug abuse. In *Mohammed Zubair v. State of NCT of Delhi*, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

22. In *Md. Tajiur Rahaman v. The State of West Bengal*, decided on 08-Nov-2024, SLP (Crl) 12225-2024, Hon'ble Supreme Court holds in Para 7, "It goes without saying that if the petitioner is found involved in such like offence in future, the concession of bail granted to him today will liable to be withdrawn and the petitioner is bound to face the necessary consequences."

23. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen.

24. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

CRM-M-30788-2025

25. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [in CRA-D-123-2020, decided on 05.08.2025], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that “To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished.”

26. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

29.08.2025  
anju rani

Whether speaking/reasoned: Yes  
Whether reportable: No.