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

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**CRM-M-10305-2025 (O&M)
Date of decision: 12.08.2025**

Harjinder Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. P. S. Bal, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 166 dated 20.05.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Kharar, District SAS Nagar.
2. Brief facts of the case relevant for the disposal of the present petition are that on 20.05.2024, the petitioner was apprehended by a police party and recovery of 5220 intoxicating tablets containing *Diphenoxylate Hydrochloride and Atropine Sulphate* was effected from him. The same was taken into possession. Since the petitioner could not produce any valid license or permit to keep in his possession the recovered drug, he was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court on 06.09.2024 and presently, the petitioner is facing trial for commission of aforementioned offence.

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3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. As per prosecution version, 87 strips of the said tablets containing 60 tablets each were recovered from the petitioner. However, a perusal of the FSL report would show that 15 strips were sent for chemical analysis and each strip was containing only 20 tablets. Hence, it is apparent that the tablets, which were recovered from the petitioner, and the ones which were sent for chemical analysis were in fact different tablets. It is further argued that even recovery memo was not got signed by the petitioner, which shows that he was falsely implicated in this case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 20.05.2024. He is not involved in any other case. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report as well as reply has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled for concession of bail. Commercial quantity of the contraband has been recovered from him, which attracts rigors of Section 37 of the NDPS Act. The aforesaid contradiction has arisen only due to an inadvertent error occurred on the part of the Investigating Officer. It is also argued that if the petitioner is released on bail, he can abscond or indulge in similar offences. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

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6. As per the allegations, the petitioner was apprehended by the police party on 20.05.2024 and recovery of 5220 intoxicating tablets containing *Diphenoxylate Hydrochloride and Atropine Sulphate* was effected from a bag, which he was carrying. With regard to the contention raised by learned counsel for the petitioner, a specific reply has been filed by the respondent-State, wherein it is submitted that in fact recovery of 5220 tablets was effected from the petitioner. However, due to an inadvertent omission occurred on the part of the Investigating Officer, the number of strips per packet and the number of tablets per strip were not specifically detailed in the recovery memo. It is further submitted that a perusal of order dated 21.05.2024 passed by the learned Judicial Magistrate First Class, SAS Nagar would show that although the number of strips per packet is not specifically mentioned but it clearly records that each packet was containing 60 tablets. Hence, at this stage, the contention as raised by learned counsel for the petitioner in this regard cannot be accepted. So far as the arguments raised by learned counsel for the petitioner with regard to non-signing the recovery memo by the petitioner is concerned, this Court is not supposed to look into the evidence at this stage. Commercial quantity of the contraband has been recovered from the petitioner. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against the petitioner. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above, the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and

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circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

12.08.2025

Wasim Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No