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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-17522-2025 (O&M)
Date of decision: July 21, 2025**

Charanjit Singh

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Mohd. Salim, Advocate for the petitioner.

Mr. Gaurav Gurcharan S. Rai, Senior DAG Punjab.

SUMEET GOEL, J. (ORAL)

1. Present Second petition has been filed under Section 483 of the BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.62 dated 19.06.2007, registered for the offences punishable under Sections 15, 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1955 (hereinafter referred to as 'NDPS Act, 1985', at Police Station Sadar Malerkotla (now P.S. Sandaur), District Malerkotla.

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

"I alongwith HC Matwinder Singh 1236, HC Balwinder singh 518, SPO Darbara singh: 529, PHG Roop Singh 4158, PHG Balbir Singh, 26659 were gong for patrolling and investigation in a private vehicle no.HR-32-A 1928 driven by me from village Kherri to village Abdulpura and when, the police party reached near Dava Mandi then from the opposite side



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Tata Sumo jeep colour white No.HR-23-A-7289, the time would be about 7 AM on suspicion I stopped my car and after getting down from the car signaled them to stop. Three men and one female sitting in the jeep got perplexed. Driver who was aged about 24 years height 5'4", person sitting next to the driver was aged about 28 years height 6' were apprehended with the help of companions, but the persons sitting on the back seat was aged about 50 years, height 5'7" wearing shirt and pyjama and a parna on the head. The lady was aged about 50 years height 4'8", elited from the Tata sumo jeep and ran away. They were followed. Suddenly Kirpal Singh S/O Gurmel singh came who was included in the police party. One preson and the lady were successful in running away. Then HC Matwinder Singh and Kirpal singh asked the name from the persons apprehended out of which the driver told his of name as charanjit Singh S/o Budh Singh caste Sensi, R/o H.No. 1062 Dugri Urban Estate-1, Ludhiana and the person sitting next to him told his name as Bara singh S/O Inder Singh caste Sansi r/o Village Phillewal Passi Nagar, Ludhiana. The name of the person who ran away was told as Ram singh s/o Puran Singh and the name of the lady as Mukhtiar Kaur w/o Ram Singh, caste Sansi, R/o Phullewal Passi Nagar, Ludhiana. Then I asked the persons apprehended some intoxicants in your tata sumo jeep due to which tata sumo is to be searched you have a legal right that you can get the search conducted by calling any magistrate or a gazetted officer. Then both the persons gave statement that there is no need to call any magistrate or a gazetted officer for conducting their search or of the tata sumo jeep you can conduct the search of the tata sumo jeep of us. On which their consent memos were prepared separately and were read over to them who after admitting the contents to be true signed the consent memos. Then I in the presence of the witnesses unloaded 2 bags from the back side of the tata sumo jeep no.HR-23-A7289. Poppy husk was found from the said bags. Separate samples were prepared from both the bags after taking 250/250 grams of poppy husk from both the bags. They were numbered as No.1, 1A and 2, 2A. On weighing rest of the bags the weight came out to be 29 Kgs 500/29 Kg 500 grams alongwith the bags. The parcel of the bags was also prepared and were numbered as 1 and 2. The parcels of 250/250 grams and the parcel of bags 29/29 Kg were sealed with my seal mark BS. The sample seal was



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prepared and the seal after use were handed over to Hardial Singh. Photocopy of RC No.HR-23-A-7289 was found which is in the name of Mahinder singh C/o Shimla Oil Company, Hargobind Nagar, Ludiana. Both the bags alongwith seal mark BS and the sample seal Tata Sumo jeep HR-23A7289 and photocopy of the RC were taken into possession vide separate recovery memo which was signed by the witnesses. On personal search of charanjit Singh a D/L no.096576 and Rs. 100/- cash were recovered from the front pocket of Rs.50/- were recovered from the front pocket of Bara Singh. Which were taken into possession vide separate recovery memos which were signed by both Charanjit Singh, Bara Singh, Ram Singh and Korri alias Mukhtiar Kaur have committed an offence U/s 15/61/85 of the NDPS Act by keeping illegal custody of 60 Kgs of poppy husk. As such ruqa is being sent for registration of the case against the aforesaid persons, through PHG Roop Singh. Case no. may kindly be intimated after registering the same. I alongwith the police party am busy in investigation at the spot. Special reports may kindly be issued. Sd/- Bhupinder singh, ASI.”

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 19.06.2007 and was granted the concession of regular bail on 20.12.2007. Learned counsel has further iterated that, on account of circumstances beyond the control of the petitioner, he was declared as a proclaimed offender and came to be re-arrested on 02.09.2024. Learned counsel has submitted that the petitioner has suffered further incarceration of about 10 months after his being re-arrested. Learned counsel has further submitted that the prosecution case suffers from inherent defects as the mandatory provisions of the NDPS Act, 1985 were not adhered to. On the strength of these submission, learned counsel has prayed for the grant of regular bail.



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4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.07.2025 in Court, which is taken on record.

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

6. It is not in dispute that the petitioner was granted the concession of regular bail on 20.12.2007. Indubitably, the petitioner remained proclaimed offender for a long time and was re-arrested on 02.09.2024. However, the fact remains that the petitioner has suffered incarceration for more than 10 months after him being re-arrested, and the contraband in question is 60 kg of poppy-husk. The rival contentions raised at Bar give rise to debatable issues which shall 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 trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 20.07.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of more than 10 months and 18 days after him being re-arrested & is not shown to be involved in any other case.



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Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. 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 cellphone 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/Illaqa 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



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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 21, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No