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

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**CRM-M-55588-2025
Decided on: October 13, 2025**

Ahmad Pal Singh**.....Petitioner****Versus****Union Territory of Chandigarh****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Chetan Sharma, Advocate
for the petitioner.

Mr. Manish Bansal, PP, UT Chandigarh.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner	FIR No.	Date	Section(s)	Police Station	District
Ahmad Pal Singh	0017	16.02.2025	21/29 of the Narcotic Drugs and Psychotropic Substances Act, 1985	Sarangpur	Chandigarh

2. As per the version recorded in the FIR, three persons/accused, namely, Ahmad Pal Singh (petitioner herein), Satnam Singh @ Satta and Baljit Singh, were occupying Alto Car, bearing Registration No. CH-01-AF-3736. At around 03:55 am, when the police party set a check post (Naka) on the road side, near EWS flats Dhanas, Chandigarh, towards Community Centre, and signalled the said Alto car



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to stop, which was coming from the side of EWS flats towards Community Centre, the car driver tried to back the car but it was stopped. When all the aforementioned three persons/accused were running away from the spot by leaving car, they were apprehended by the members of the police team and thereupon contraband of Heroin, weighing 19.55 grams from Ahmad Pal Singh (petitioner), who was driving the car; 18.80 grams from Satnam Singh @ Satta, who was sitting on the rear seat; and 20.02 grams from Baljit Singh, who was sitting on the front passenger seat (co-driver seat), total quantity 58.37 grams, was recovered.

3. Counsel for the petitioner argues that if the individual quantity of recovered Heroin is taken into account, it falls under non-commercial quantity, but same has been clubbed by the police, so that the petitioner and other co-accused could be tried by the trial Court for possessing commercial quantity of the contraband, which is against the settled principle of law.

Further argues that quantity of the contraband, which is alleged to have been recovered from the petitioner, is non-commercial and much less to the commercial quantity. The petitioner is not involved in any other criminal case, much less under the NDPS Act, and he is inside jail since 18.02.2025, i.e. 07 months and 25 days. Also submits that Satnam Singh @ Satta and Baljit Singh, who are co-accused of the petitioner, have already been granted regular bail by this Court, vide order dated 23.09.2025, passed in CRM-M-28608-2025 and CRM-M-39739-2025. Thus, prays for grant of bail to the petitioner as well.

4. On advance notice, Mr. Manish Bansal, Public Prosecutor, U.T. Chandigarh, has put in appearance and unable to dispute the legal proposition laid down by the Hon'ble Apex Court that if the recovery effected in the present case from each of the accused, is taken into account separately, the same would fall under non-commercial quantity. While placing on record the custody certificate dated 12.10.2025, Mr. Manish Bansal also apprised the court that after filing of challan in the present case, out of total 18 prosecution witnesses, only 02 have been examined so far. He also admits that the petitioner is inside jail since the



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time of arrest, i.e. 18.02.2025 and he is not involved in any other criminal case.

5. I have heard counsel for the parties and perused the relevant material available on record with their able assistance.

In the case of Amarsingh Ramjibhai v. State of Gujarat, (2005) 7 SCC 550, Hon'ble Apex Court has held as under:

“ Although, at first blush, the argument of the learned counsel appeared attractive, on careful appreciation of the facts on record we are satisfied that the High Court judgment is fully justified and needs to be upheld. It is true that the High Court proceeded on the footing that there was a criminal conspiracy between the appellant and the deceased Danabhai Virabhai Rabari. In our view, however, there was no warrant for this conclusion at all as there is no evidence to suggest that there was any such abetment and/or criminal conspiracy within the meaning of Section 29 of the Narcotic Drugs and Psychotropic Substances Act. The appellant and Danabhai Virabhai Rabari were found together, but individually carrying the recovered substances. Hence, it was not possible for the High court to take the view that Section 29 was attracted. ”

6. Taking into consideration the submissions advanced on behalf of the petitioner, the total custody period of more than 07 months, and the fact that the petitioner is not involved in any other criminal case, this Court does not find any substantial reason to keep the petitioner inside jail for an indefinite period. Therefore, without expressing any opinion on the merits of the case, this Court finds it appropriate to extend the concession of regular bail to the petitioner.

7. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.



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9. The observation made hereabove shall not be construed as an expression of opinion on the facts of the case and the trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

October 13, 2025

Pk Kapoor

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**