



CRM-M-33803-2025

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

CRM-M-33803-2025

Date of decision : 11.09.2025

Harpreet Singh @ Mota

....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Umesh Aggarwal, Advocate
for the petitioner.

Ms. Simran Gorla, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.26 dated 08.03.2025, under Section 21(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 (Sections 27-A & 29, 61/85 of NDPS Act added lateron), registered at Police Station Ranjit Avenue, Amritsar.
2. Succinctly the facts of the case are that the Police party while on patrolling on 08.03.2025, saw two men coming on foot. On seeing the police, they got perplexed and one of them took out the envelope from his pocket and threw it on the road. On suspicion, they were stopped. On asking, they disclosed their names to be Harpreet Singh @ Mota (present petitioner) and Palwinder Singh Gugar. They were suspected to be carrying some contraband in the envelope being thrown and thus, the same was searched. On conducting the search, 150 grams of heroin was recovered from the same. They failed to produce any license regarding possession of the same and hence, the FIR was registered and they were arrested on spot. The investigation commenced. The samples taken were sent to the FSL. The petitioner approached the Learned Judge, Special



Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned Judge, Special Court, Amritsar vide order dated 14.05.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the compliance of Section 50 of NDPS Act, was mandatory in conducting the search, however, there is violation of the same as well. He submits that the petitioner is behind bars since the date of his arrest though he was falsely implicated in one more case, however, he has already undergone the sentence awarded. To buttress his arguments, he submits that even otherwise the alleged recovery was 150 grams of heroin is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested on spot and the alleged recovery was effected from the envelope thrown by him i.e. of 150 grams of heroin, which falls under the non-commercial quantity. She, on instructions, has submitted that investigation is complete and charges are yet to be framed. She has produced the custody certificate of the petitioner on record.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest. The alleged recovery effected is 150 grams of heroin which is admittedly a non-commercial quantity. Investigation is already complete. As per custody certificate, the petitioner has suffered incarceration of 06 months as on 10.09.2025. Though the petitioner is involved in one more case, however, he has already undergone the sentence awarded in the same.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.09.2025

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(**RAJESH BHARDWAJ**)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No