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

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**CRM-M-31782-2024 (O&M)**

**Date of decision: 02.04.2025**

**Angrej Singh @ Angrej**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jashandeep Singh Sandhu, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 369 dated 30.11.2023, registered under Sections 21, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station STF Border Range, District Amritsar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 30.11.2023, on the basis of a secret information, the petitioner along with co-accused Sartaj Singh @ Taja, who are real brothers, were apprehended by the police party from their house and recovery of 470 grams of heroin was effected at the instance of the present petitioner from the storage box of a bed kept in their house. Both of them were formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner along with

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the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No independent witness was joined at the time of effecting alleged recovery from the petitioner. The story put forth by the police party is concocted one. Even otherwise, investigation has since been completed and *challan* has been presented. The trial is likely to take a long time. The petitioner is in custody since 30.11.2023. No useful purpose would be served by keeping him in custody anymore. Co-accused Sartaj Singh @ Taja has already been granted concession of regular bail by this Court, vide order dated 22.05.2024 passed in **CRM-M-24926-2024**. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. It is submitted therein and learned State counsel has argued that the petitioner is not entitled to get benefit of bail as he was apprehended by the police at the spot and recovery of 470 grams of heroin was effected from him, which falls under the commercial quantity. During the course of recovery and further investigation, proper procedure as prescribed under the NDPS Act was followed. It is submitted that since a commercial quantity of the contraband has been recovered from the petitioner, the rigors of Section 37 of the NDPS Act would be attracted against him. The petitioner is involved in five more cases of similar nature. Trial is going at a proper pace. Co-accused Sartaj Singh @ Taja has been granted bail by this Court but his case is on different footing as no recovery was effected from him. It is also argued that if the petitioner is released on bail, he may abscond or

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indulge in the 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.

6. As per the allegations, the petitioner was apprehended by the police party on 30.11.2023 along with aforesaid co-accused, who is his real brother, and recovery of 470 grams of heroin was effected at the instance of the present petitioner. However, no recovery is shown to have been effected from the co-accused. The quantity of the contraband recovered from the petitioner falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted against him as there is nothing on record to show that he did not commit the subject crime or would not indulge in similar offences in case he is granted concession of bail keeping in view his criminal antecedents as he is involved in five more cases under the NDPS Act. Although co-accused Sartaj Singh @ Taja has been granted concession of bail by this Court but the petitioner cannot claim parity with him as it was specifically observed by this Court while granting bail to him that no recovery was effected from him, whereas the petitioner was found to be in possession of recovered contraband. Trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. 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 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

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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.

**02.04.2025**

*Wasim Ansari*

**(MANISHA BATRA)  
JUDGE**

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*