



223.

2026:PHHC:077606



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

CRM-M-24067-2026 (O&M)

Date of Decision: 14.05.2026

Sukhpal Singh @ Sukha

...Petitioner(s)

vs.

State of Punjab

...Respondent(s)

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Raunaq Singh Aulakh, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

N.S.Shekhawat J.

1. The petitioner has filed the instant petition under Section 483 of the Bharatiya Nagrik Suraksha Sanhita with a prayer to grant concession of regular bail to him in case FIR No.27 dated 24.02.2025, registered under Section 22(c), 61 and 85 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as NDPS Act), Police Station Sadar Faridkot, District Faridkot.

2. Learned counsel for petitioner contends that the FIR in the present case was registered on the basis of the complaint filed by SI Satpal Singh and as per the prosecution case, on 24.02.2025 at about 9:00 P.M., the petitioner was apprehended by the police party and he was found in conscious possession of two boxes each containing 50 strips, having 10 tablets per strip and 47 loose



strips having 10 tablets per strip i.e. total 1470 intoxicant tablets of Tramadol Hydrochloride marka Clovidol-100 SR, having total weight of 490.98 grams tramadol hydrochloride. Even on asking by the police, he could not produce any valid permit or license and after calling a Gazetted Officer at the spot, the recovery was made from the present petitioner.

3. Learned counsel for petitioner contends that from a perusal of the record, it is apparent that the petitioner has not been provided the ground of arrest at any point of time. Further, even no reasons have been assigned to the petitioner with regard to his arrest and not only that, even the reasons of arrest have not been orally explained to the petitioner. He further contends that even the petitioner has moved an application under Section 94 of the Bharatiya Nagrik Suraksha Sanhita, 2023 (for short BNSS) with a prayer for providing the video captured at the time of his arrest, using the E-Sakshay application by the Investigating Agency, for the purpose of cross-examination of the witnesses. However, the prosecution even failed to file any response to the said application. Even, the documents, which were prepared during the process of search of the petitioner, were also bearing the FIR number, which also casts serious doubt on the sanctity of recovery itself.

4. Learned counsel further contends that even there were discrepancies in the sample seal and the seal, which was used in preparing the samples. The petitioner was arrested in the present case on 24.02.2025 and is in custody for the last 01 year and 02 months. The challan has already been presented against him and his further custody will not serve any purpose.

5. During the course of hearing of this case, this Court had directed the SSP concerned to file reply to the petition by way of his personal affidavit.



Consequently, the SSP has filed a short reply by way of her own affidavit. Even she had verified the facts and it was found that 1470 tablets of Tramadol Hydrochloride weighing 490.98 grams were recovered from the petitioner, which was a commercial quantity. Even the samples were sent to the Regional Forensic Science Laboratory, Bathinda and the following conclusions were reported by the FSL:-

"One yellow coloured paper envelope labeled as 'TEST MEMO/SECRET SAMPLE', sealed with four seals, two each of 'K.S' and 'LH'. On opening this paper envelope, it was found to contain another yellow coloured paper envelope, alleged to be seized from S/v Sukhpal Singh @ Sukha, sealed with four seals, two each of 'K.S' and 'L.H' and alleged to contain Intoxicant Tablets.

Seals on the envelopes were found intact and tallied with the specimen seal impressions.

On opening the envelope was found to contain ten (10) tablets of white colour packet in a strip labeled as 'CLOVILDOL-100 SR' (Tramadol Hydrochloride Extended-Release Tablets), Batch No. CLV25252, MFG. JAN 2025, EXP. DEC 2026, Mfd. by Momak Biotech Pvt. Ltd.

Average Weight = 334mg/tablet.."

6. On the other hand, learned State counsel submits that the following relevant memos were prepared with regard to the investigation, which were part of the police [file](#):-

(i) Copy of Rapat/DDR No.26, dated 24.02.2025 at 17:24 Hrs a police team comprising of SI Satpal Singh No.434/FDK (Investigating Officer), ASI Gurbaksh Singh No.721/FDK, ASI Jaspal Singh No.757, HC Gurmeet Singh No.34/FDK, PHG Bhola Singh No.32869 alongwith laptop & printer in Govt. vehicle bearing No.PB-04V-4850.



- ii) Copy of Rapat/DDR No.35, dated 24.02.2025 of return of said police party including information of registration of present FIR No.27.*
- (iii) Non-consent memo U/s 50 of NDPS Act of accused/petitioner dated 24.02.2025 duly signed by accused/petitioner, SI Satpal Singh, ASI Jaspal Singh, ASI Gurbaksh Singh.*
- (iv) Consent Memo U/s 50 of NDPS Act dated 24.02.2025 of accused/petitioner of reposing faith in Shri Tarlochan Singh, PPS, DSP, Sub Division, Faridkot for personal search and search of faded bag which is duly signed in acknowledgment by accused/petitioner, S.I Satpal Singh, ASI Gurbaksh Singh and one independent witness Nirmal Singh son of Jagtar Singh, resident of village Chahal.*
- (v) Search memo dated 24.02.2025 signed by accused/petitioner, SI Satpal Singh, ASI Jaspal Singh, ASI Gurbaksh Singh, which led to recovery of one keypad mobile having mobile No.98159-18303.*
- (vi) Memo of option of engaging of lawyer dated 24.02.2025 signed by accused/petitioner and witnesses ASI Jaspal Singh & ASI Gurbaksh Singh.*
- (vii) Memo informing rank & reasons of arrested dated 24.02.2025 signed by accused/petitioner, I.O. SI Satpal Singh and witnesses, ASI Jaspal Singh and ASI Gurbaksh Singh.*
- (viii) Memo of information of arrest dated 24.02.2025.*
- (ix) Uploading information on E-sakshya App by Investigating officer SI Satpal Singh with longitude, latitude etc. from mobile i.e. OPPO-CPH-2495 alongwith complete details.*
- x) Further proceedings U/s 57 of NDPS Act is dated 24.02.2025 and other record reflects date as 24.02.2025.*
- xi) Recovery memo of recovery of 1470 intoxicant tablets, which is duly signed by I.O. SI Satpal Singh, witnesses ASI Jaspal Singh, ASI Gurbaksh Singh and independent witness Nirmal Singh and attested by Sh. Tarlochan Singh, PPS, DSP, Sub Division Faridkot and below signatures of DSP, Sub Division Faridkot & SI Satpal Singh mentioned date as 24.02.2025.*
- (xii) Memo of sample of seal dated 24.02.2025.”*



7. Learned State counsel further submits that it has also been established that the entire proceedings were carried on 24.02.2025 itself and the same are as follows:-

“Copy of DDR No.26, dated 24.02.2025 of departure of police party from the police station, (ii) Copy of DDR No.35, dated 24.02.2025 of return of police party in the present FIR No.27, (iii) Non-consent Memo U/s 50 of NDPS Act, dated 24.02.2025, (iv) Consent Memo U/s 50 of NDPS Act, dated 24.02.2025, (v) Search Memo dated 24.02.2025, (vi) Memo of engaging a lawyer dated 24.02.2025, (vii) Memo regarding informing rank & reasons of arrest dated 24.02.2025, (viii) Memo of information of arrest dated 24.02.2025, (ix) Proceedings carried out through E-sakshya App by investigating officer SI Satpal Singh dated 24.02.2025, (x) Documents of other proceedings U/s 57 of NDPS Act, dated 24.02.2025 alongwith other documents of even date.”

8. Learned State counsel further submits that in the recovery memo, the FIR No.27 was mentioned in the handwriting of the Police Officer and it seems to be an inadvertent mistake, while preparing it on the computer. Otherwise, all the documents were prepared on 24.02.2025 itself and there was no discrepancy in the memos in the present case.

9. I have heard learned counsel for the parties and perused the record carefully.

10. In the present case, it is apparent from the FIR and the investigation conducted so far that the petitioner was apprehended at the spot by the police, while he was having 1470 intoxicant tablets of Tramadol Hydrochloride, having total weight of 490.98 grams, which is a commercial quantity as per the Schedule annexed with the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short NDPS Act).



11. Even, in the present case, the trial has already started and the prosecution examined one witness, whereas five prosecution witnesses have been given up and examination-in-chief of three witnesses has already been recorded and their cross-examination has been deferred on the request of learned defence counsel. Thus, the trial in the present case is progressing at a very fast pace and it cannot be stated that the petitioner has been prejudiced in any manner. Still further, in the present case, there are serious allegations of smuggling of drugs against the petitioner. Apart from that, learned counsel for the petitioner could not point out any violation of mandatory provisions of NDPS Act.

12. Keeping in view the gravity of the matter, the present petition is dismissed.

14.05.2026

Sunil

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No