



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-6080-2026
Decided on : 14.07.2026

Krishan Garg

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Pranav Goyal, Advocate,
Mr. Aakash Kamra, Advocate and
Mr. Yogesh Garg, Advocate, for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant third 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 here-under:-

Name of FIR Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Krishan Garg	178	03.07.2025	S. 21-C & 27 of NDPS Act, 1985	ANTF	Bathinda

2. As per the version of the FIR, on 03.07.2025, at about 4:15 PM, a car bearing registration No. PB03-X-8325 (ZEN Estilo) was noticed by the members of the police party, while it was parked on the main road outside the parking area near the bank at Padda Market. The said car was occupied by two persons, who, on inquiry, disclosed their names as Tosim Arora, who was sitting on the driver's seat, and Krishan Garg (petitioner herein), who was occupying the front passenger seat.



Upon search of the car, heroin weighing 274 grams was recovered from its dashboard.

3. Learned counsel for the petitioner contends that car in question does not belong to the petitioner and that he was merely travelling therein as a passenger. Therefore, issue of conscious possession *qua* the petitioner is yet to be established by the prosecution.

He further submits that out of total cited 26 prosecution witnesses, only 02 have been examined so far, and 01 witness has been given up, whereas, petitioner is inside jail for a period of more than 01 year and 07 days. Petitioner is not involved in any other case, particularly under the NDPS Act. Thus, in view of the aforementioned circumstances, learned counsel prays for grant of the concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 13.07.2026 in Court today, which is taken on record. Office to tag the same at the appropriate place.

A copy thereof has been handed over to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposes prayer for bail, submits that recovery effected in the present case is of commercial quantity and rigours of Section 37 of the NDPS Act are attracted. Further submits that petitioner is having conscious possession of the recovered contraband, as he was traveling in the car, from which recovery has been effected.

However, learned State counsel does not dispute the other factual assertions, such as, petitioner is not involved in any other case under



the NDPS Act; recovery has been effected from the dashboard of the car and not from the person of the petitioner; and that only 02 out of 26 prosecution witnesses have been examined so far.

6. I have heard learned counsel for the parties and perused the relevant material on record.

7. During the course of hearing, it is not disputed that petitioner is not the owner of the car in question and that the alleged recovery of 274 grams of heroin has been effected from the dashboard of the said car and not from the person of the petitioner. Whether petitioner was in conscious possession of the recovered contraband or not, is a matter to be established during the course of trial on the basis of the evidence led by the prosecution.

Be that as it may, without expressing any opinion on the merits of the case and keeping in view the fact that petitioner is inside jail for a period of more than 01 year and 07 days; that he is not stated to be involved in any other case under the NDPS Act; that out of a total of 26 prosecution witnesses, only 02 have been examined so far and 01 witness has been given up, meaning thereby that conclusion of trial is likely to take considerable time; this Court is of the considered view that no useful purpose would be served by keeping the petitioner inside jail for an indefinite period during the pendency of the trial.

8. Keeping in view the totality of facts and circumstances noticed here-above, this Court is satisfied, at this stage, that petitioner has made out a case for grant of regular bail during the pendency of the trial. Accordingly, it is deemed appropriate to grant the concession of regular bail to the petitioner.



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 learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

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

10. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, 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.

11. 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.

12. **Petition stands disposed of accordingly.**

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

July 14, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*