



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

CRM-M-5805-2025 (O&M)
Date of decision: 27.02.2025

Kalu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. J.S. Dhaliwal, AAG, Punjab.

KARAMJIT SINGH, J. (ORAL)

CRM-M-5805-2025

1. The present petition has been filed by the petitioner under Section 483 of BNSS 2023 seeking grant of regular bail to the petitioner in case having FIR No.237 dated 20.11.2023, under Sections 21(C), 29 of NDPS Act and Sections 411/473 IPC, Police Station Ranjit Avenue, Amritsar.

2. The allegations in nutshell are that on 20.11.2023, police laid naqa and at that time, two young boys were seen coming on motor cycle Hero HF Delux No.PB-14-B-7021 which was followed by another motor cycle bearing No.PB-14-D-7021 on which one person was riding. When the police gave signal to stop the said motor cycles, the person (Major Singh) who was sitting on pillion seat of the motor cycle driven by the present petitioner, tried to throw away one plastic pouch. However, both of them were apprehended while they tried to escape from there. In the meantime,



the person who was riding on a separate motor cycle managed to escape. On checking of the aforesaid plastic pouch possessed by co-accused Major Singh it was found to be containing 400 grams of heroin.

3. The counsel for the petitioner inter alia submits that petitioner is falsely implicated in the present case and no contraband was recovered from his conscious possession and the alleged contraband was recovered from co-accused Major Singh who was sitting on the pillion seat of the motor cycle. It is further submitted that the petitioner who is having no criminal history is incarcerated for the last more than 1 year and 2 months and it will take time for trial to conclude. It being so, no purpose is going to be served by keeping the petitioner in custody for any longer period.

4. The present petition is resisted by the State counsel who submits that no doubt, the contraband was recovered from possession of co-accused Major Singh who was sitting on the pillion seat of a motor cycle but the said motor cycle was driven by the present petitioner. However, the State counsel has not disputed the fact that the petitioner is behind bars for the last more than 1 year and 2 months and is not involved in any other criminal case and that the trial is at its initial stage.

5. I have considered the submissions made by counsel for the parties.

6. Apparently, no contraband was recovered from conscious possession of the petitioner and the said recovery was effected from the pillion rider Major Singh while the motor cycle was driven by the petitioner. The exact complicity of the present petitioner will be established during trial. Undoubtedly, the petitioner is in custody for the last more than



1 year and 3 months and is having no criminal antecedents. Further, it will take time for the trial to terminate as till date, prosecution is unable to examine any witness. Having regard to the aforesaid facts and circumstances of the case, this Court is of the view that further detention of the petitioner in the judicial custody is not going to serve any fruitful purpose.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

CRM-6538-2025

Application is disposed of having been rendered infructuous.

27.02.2025

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**