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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-11774-2025(O&M)
Date of decision:-19.05.2025

BACHAN SINGH @ SONI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. R.P.Dhir, Advocate for the petitioner.

Mr. Roshandeep, AAG, Punjab.

SANJIV BERRY, J.(ORAL)

CRM-18349-2025

1. The instant application has been preferred under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for placing on record copy of order dated 08.05.2024 passed in CRM-M-1859-2024 as (Annexure P-9).
2. The application is allowed, subject to all just exceptions, copy of order dated 08.05.2024 as (Annexure P-9) is taken on record.
3. Registry to do the needful.

Main case

The instant petition has been preferred by the petitioner under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
100	13.09.2023	21, 22 and 29 of NDPS Act	Haryana, District Hoshiarpur

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case and he is in custody since 30.10.2023. He contends that the petitioner was not named in the FIR but has been nominated on the disclosure statement of co-accused Jaskaran Singh @ Jass. He contends that the alleged recovery of 261 grams of heroin is marginally above the non commercial quantity. He contends that the petitioner is not having any criminal antecedents and after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 13 witnesses and till date examination in chief of PW-1 ASI Sushil Kumar and PW-2 ASI Bhushan Singh have been recorded and their cross examination have been deferred. Hence prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 261 gram of heroin was recovered on the disclosure statement of the petitioner hence prayed for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it is observed that as per the version of the prosecution, police apprehended co-accused Gurprabh Singh alias Prince on 13.09.2023 and from his possession 261 gram of intoxicant substance was recovered and he suffered disclosure statement that the same was purchased by his brother Jaskaran Singh from the petitioner. Consequently, petitioner was arrested on 30.10.2023 and on his disclosure recovery of 261 grams of heroin was effected. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 13 witnesses and till date examination in chief of PW-1 ASI Sushil Kumar and PW-2 ASI Bhushan Singh have been recorded and their cross examination have been deferred.



Admittedly, the recovery effected from the petitioner is marginally higher than the non commercial quantity. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. Therefore, considering the slow pace with which the trial is proceeding, as well as the fact that the recovered contraband allegedly effected from the petitioner is marginally higher than the non commercial quantity, this case is deemed fit where rigor of Section 37 of the NDPS Act could be diluted, as such, no purpose would be served by detaining the petitioner any longer in custody.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

19.05.2025

Gyan

i)
ii)

Whether speaking/reasoned?
Whether reportable?

Yes/No
Yes/No