

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

2025:PHHC:057715



CRM-M-12715 of 2025 (O&M)

DECIDED ON: 2nd May, 2025

Rohit

.....PETITIONER

VERSUS

State of UT Chandigarh

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE **SANJAY VASHISTH**

Present: Mr. Gurbir Singh Sandhu, Advocate for petitioner.

Mr. Manish Bansal, PP for UT, Chandigarh.

SANJAY VASHISTH, J (ORAL)

1. The instant 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rohit	02	05.01.2025	21/29 NDPS Act	Sector 11	Chandigarh

2. It is argued that from the main accused namely Gautam 70 grams of *Heroin* has been recovered and on his arrest, a disclosure statement was recorded. It is upon the disclosure statement that a raid was conducted and thereon recovery of 10.30 grams of *Heroin* was affected from the petitioner. Petitioner is stated to be inside jail for the last about 3 and 1/2 months. Learned counsel for the petitioner contends that after completion of investigation, challan has been submitted and charges are yet to be framed.

Thus argues that culmination of trial is likely to take considerable time and looking at the quantity recovered which is double to the small quantity, he submits that sufficient period has already been suffered by him inside jail, therefore, be granted the concession of bail.

3. On the other hand learned PP for UT Chandigarh argues that such offences are at increase in the society and if the petitioner is released on bail, it may sent a wrong signal to the misdirecting youth in the society who are also involved in the similar activities.

4. Mr. Bansal, learned PP for UT Chandigarh does not dispute the period of incarceration as stated by learned counsel for the petitioner and that the charges are yet to be framed . He also on being asked by the Court informs that the petitioner is involved in one more case but that is not under the NDPS Act.

5. Considering the submissions addressed by both the sides and going through the record, I deem it appropriate that from the quantity of contraband recovered form the petitioner, a reasonable custody period of more than 3 and 1/2 months has already been suffered by him and there being 19 prosecution witnesses as informed by learned UT Counsel, the considerable time is likely to be consumed by co-counsel. Petitioner's personal liberty for his first time involvement in such like cases cannot be curtailed for indefinite period.

6. Accordingly, prayer made herein is accepted and 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.

7. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.
8. The observation made hereinabove shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.
9. 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.
10. Petition stands disposed of.

2nd May, 2025
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(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>