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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14641-2025
Decided on : 01.05.2025

Harinder Singh alias Hinda

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Barjinder Singh, Advocate,
for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

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
Harinder Singh alias Hinda	107	10.10.2024	21, 29, 27(a) of NDPS Act, 1985	Shri Hargobindpur	Gurdaspur (Batala)

2. Learned counsel for the petitioner argues that recovery in the present case is of 5 grams of ‘Heroin’, which allegedly was recovered along with polythene bag. On making personal search of the petitioner, an amount of Rs.86,600/-, was also recovered from him.

3. Learned counsel submits that petitioner is inside jail since 12th October, 2024 i.e. for a period of more than six months, and culmination of trial is likely to take considerable time, because, none of the prosecution



witness has been examined till date.

Further submits that since the recovered contraband is along with polythene bag, and same being also of the small quantity, may be at the end of trial, even if, petitioner is found guilty, the sentence period looking at the undergone period inside jail, may be sufficient for consideration total awardable sentence.

Thus, learned counsel prays for grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 30.04.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

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

5. Learned State counsel submits that as per the custody certificate, petitioner is inside jail for the last about 06 months and 18 days period. He also points out that as per custody certificate, petitioner was also found involved in two other cases, i.e., FIR No.37, dated 16.05.2016, u/s 15/61/85 of NDPS Act, P.S. Sri Hargobindpur, Distt. Gurdaspur, in which, he has already been convicted and sentenced for a period already undergone by him, after completion of sentence period of 01 month and 15 days along with fine amount of Rs.2000/-.

Further submits, in the other case, i.e., FIR no.169, dated 24.12.2020, u/s 21-A/61/85 of NDPS Act, registered at P.S. Bhani Mian Khan, Distt. Gurdaspur, wherein also, petitioner has been convicted and then sentenced for the period already undergone by him, i.e., for a period of 10



days along with fine amount of Rs.1000/-. Thus, he submits that petitioner being involved in similar kind of activities, time and again, is not entitled to be released on regular bail.

6. Considering the submissions in all aspects, i.e., sentence period and more especially that the recovered contraband in the present case is 5 grams of 'Heroin' along with polythene bag, the actual weight of the contraband is yet to be determined by the trial Court. Moreover, qua the other cases of similar nature, petitioner has already been sentenced and the said sentence period has already been made undergone by the concerned Court(s). Therefore, as of now, there is only one case pending against the petitioner, in which, the sufficient incarceration period of 06 months and 18 days has been suffered by him. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.

7. 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.

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

9. The observation made here-in-above 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.



10. 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.

11. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

May 01, 2025
J.Ram

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