



CRM-M-16395-2025

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

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CRM-M-16395-2025

Decided on :26.05.2025

Harmeet Singh

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Charnjit Singh Bahia, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), seeking regular bail in FIR No. 107 dated 22.07.2024, under Sections 15(c)/27/61/85 of NDPS, registered at Police Station STF, SAS Nagar, Mohali, Punjab.

2. Learned counsel for the petitioner submits that the alleged recovery in the present case pertains to 60 kilograms of poppy husk, which was recovered from a Pick-up Dalla reportedly being driven by the petitioner at around 3:30 a.m. on 22.07.2024.

It is argued that the quantity recovered is little more than the commercial quantity i.e., 50 kg, therefore, the contraband may fall under the category of intermediate quantity, and the method and circumstances of recovery, particularly the weighing of the contraband at 3:30 a.m., must be scrutinized to determine whether the procedure followed by the Investigating Officer was in accordance with law.



3. Learned counsel further submits that the investigation is complete and the challan has been submitted. There are a total of 21 prosecution witnesses, but none has been examined till date. It is also submitted that the petitioner has no other criminal case pending, including under the provisions of the NDPS Act.

4. On the other hand, learned State counsel, vehemently opposes the prayer for bail and submits that the offences alleged are of a serious nature, involving a considerable quantity of narcotic substance. It is argued that granting bail in such cases may send a wrong message to society, particularly to the youth, therefore prays for dismissal of the present petition.

5. Heard learned counsel for both parties and perused the material available on record. Taking into consideration the fact that the petitioner is in custody since 22.07.2024, the investigation has been completed, and the challan has already been filed, and further, that none of the 21 prosecution witnesses has been examined till date, as well as the submission that the petitioner has no prior involvement in any other case under the NDPS Act or otherwise, this Court is of the view that the matter requires consideration for grant of regular bail.

6. In view of the above, this Court is of the considered opinion that the petitioner deserves an opportunity for rehabilitation and reintegration into society. Accordingly, and without making any observations on the merits of the case or the evidentiary value of the material collected by the prosecution, this Court primarily considering the prolonged incarceration of the petitioner and the non-examination of

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material witnesses is of the view that the personal liberty of the petitioner cannot be curtailed indefinitely.

Therefore, the present petition is allowed, and the petitioner is directed to be released on regular bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, 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.

8. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

9. Petition stands disposed of.

10. Application(s), if any, shall also stand disposed of accordingly.

(SANJAY VASHISTH)
JUDGE

26.05.2025*Rashmi*

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