

CRM-M-18583-2025

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

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CRM-M-18583-2025

Date of Decision : 28.10.2025

SUNNY

.... PETITIONER

V/S

STATE OF PUNJAB

.... RESPONDENT

CORAM:HON'BLE MR. JUSTICE SUBHAS MEHLA

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

Mr. Yadwinder Singh, Assistant Advocate General, Punjab.

SUBHAS MEHLA, J. (Oral)

1. The petitioner is seeking regular bail in FIR No.146 dated 10.07.2024, under Section 21 of NDPS Act registered at Police Station Lopoke, Amritsar.

2. Learned counsel for the petitioner contended that the petitioner is in custody for the last one year and three months. The alleged contraband is marginally high to commercial quantity i.e. 255 grams of heroin including the weight of polythene. The trial will take sufficient time to conclude as no prosecution witness has been examined in this case after the framing of charge. Accordingly, prayer has been made for grant of regular bail.

3. Custody certificate of the petitioner filed by learned State counsel is taken on record.

4. On the other hand, learned State counsel submitted that the recovery of 255 grams of heroin falls within the ambit of commercial



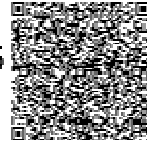
quantity and therefore, the petitioner is not entitled to the concession of bail. However, it is fairly admitted that as per custody certificate, the petitioner is not involved in any other case.

5. Heard.

6. Keeping in view the contentions made by learned counsel for the petitioner that the petitioner has been in custody for the last one year and 03 months; the trial will take time to conclude as after framing of charge no prosecution witness has been examined, there is no material to suggest that the petitioner is involved in any other criminal activity and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. In ***Dheeraj Kumar Shukla Vs. The State of Uttar Pradesh, 2023 SCC Online SC 918*** wherein the quantity recovered from the petitioner was commercial in nature and the provisions of Section 37 of the Act were attracted, however, considering absence of criminal antecedents and the fact that the petitioner had been in custody for the last two and a half years, the Hon'ble Supreme Court dispensed with the conditions of Section 37 of the Act at that stage, and petitioner was directed to be released on bail.

8. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.



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9. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court on the merits of the case.

(SUBHAS MEHLA)
JUDGE

28.10.2025

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