



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

225

CRM-M-18528-2025
Decided on : 28.08.2025

Deepak Garg . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Shiv K. Sharma, Advocate and
Mr. Kartik Gandhi, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Deepak Garg	203	25.09.2023	18 of NDPS Act, 1985	Nabha	Patiala

2. In the present case, there is a recovery of 3.50 kg of opium from the car which was being driven by co-accused – Navpreet Pal Singh, who had purchased the vehicle on the basis of an affidavit. As per allegations, the petitioner was sitting beside him at the time of recovery.

3. Learned Senior Counsel for the petitioner submits that the petitioner is a respectable person of the society and, at the relevant time, was serving as Panchayat Secretary of the village. Petitioner is not alleged to be involved in any other case of similar nature under the NDPS Act. It is further



submitted that he has already undergone incarceration for about 2 years, whereas the trial is not likely to conclude in the near future, as only 3 out of 14 prosecution witnesses have been examined so far. Therefore, prayer has been made for grant of regular bail.

4. Per contra, learned State counsel, while opposing the prayer, submits that the recovery effected from the petitioner and co-accused falls within the category of ‘commercial quantity’.

It is also submitted that the offence is serious in nature and the menace of drugs has already ruined the lives of the youth and their families in the State of Punjab. Persons involved in supply of narcotics are a major danger to society, and releasing such accused on bail may adversely affect the social fabric. Thus, the petitioner does not deserve concession of bail.

5. Heard.

6. The fact remains that the petitioner is about 40 years of age, has no past involvement in similar offences, investigation already stands concluded, and he has suffered incarceration for about 2 years. The trial is not progressing at the required pace, as only 3 out of 14 prosecution witnesses have been examined. The quantity recovered is admittedly 3.5 kg of opium, which is slightly above the threshold of ‘commercial quantity’.

Whether the petitioner was in conscious possession of the contraband, or whether the same was exclusively attributable to co-accused Navpreet Pal Singh, would be a moot question to be determined during trial. In the totality of circumstances, this Court is of the view that the prayer for bail deserves consideration, thereby affording the petitioner one more opportunity to reform and rehabilitate himself in society



7. Therefore, considering the totality of circumstances, and the nature allegations leveled against the petitioner, and the factors noted here-above, I deem it appropriate to grant the concession of bail to the petitioner

8. 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.

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

10. 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.

11. 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.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

August 28, 2025

J.Ram

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