

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:107163



224

CRM-M-20443-2025 (O&M)
Date of decision:18.08.2025

Sajjan Kumar @ Sajjan

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. P.S. Sekhon, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.145 dated 25.09.2023, registered under Sections 21-C, 29 of the NDPS Act, at Police Station City Patti, District Tarn Taran.

2. As per the allegations, on 25.09.2023, the petitioner and the co-accused were apprehended and were found in possession of heroin weighing 260 grams and 265 grams respectively. After completion of usual formalities, challan has been presented against the petitioner and the co-accused and presently, they are facing trial for commission of aforementioned offence.

3. It is argued by learned counsel for the petitioner that he has

been falsely implicated in this case. A false recovery has been planted upon him. He is in custody since 25.09.2023. Trial will take considerable time to conclude as no prosecution witness has been examined so far. His involvement in other cases cannot be considered to be a reason for denying benefit of bail. The co-accused, Rajiv Kumar has been extended benefit of bail. On parity, he too, deserves to be extended the same benefit. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. It is argued by learned State counsel that there are serious allegations against the petitioner as 265 grams of heroin falling within the purview of commercial quantity, has been recovered from him. He is a habitual offender. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, urged that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties carefully.

6. The petitioner is alleged to have been found in possession of 265 grams of heroin whereas co-accused Rajiv Kumar was allegedly apprehended with 260 grams of heroin at the same time when both the petitioner and co-accused were together. The co-accused, whose case is on similar footing, has been extended the benefit of bail vide order dated 04.04.2025 passed by a Coordinate Bench in CRM-M-23577-2024. On parity, the petitioner too, deserves to be extended the same benefit. Even otherwise, no prosecution witness has been examined so far and trial will take considerable time to conclude. There is no basis for the contention that the petitioner may abscond or commit similar offences.

7. Keeping in view the above discussed facts, but without meaning to make any comment on the merits of the case, lest they prejudice the trial in any manner, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/learned Chief Judicial Magistrate/Duty Magistrate concerned.

8. Pending application(s), if any, shall also stand disposed of.

9. This order shall come into force from the time it is uploaded on this Court's official webpage.

18.08.2025

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No