



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

211

CRM-M-20338-2025
Date of decision: 25.04.2025
....Petitioner

SONU

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. J.S. Mahal, Advocate for the petitioner.

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
Sonu	0003	07.01.2025	22, 27(a) of NDPS (Section 21 of NDPS added later on)	City Gurdaspur	Gurdaspur

2. Learned counsel for the petitioner contends that as per the allegations, recovery from petitioner is of three grams of heroin along with cash amount of Rs.4200. Admittedly, the recovered quantity falls under the criteria of small quantity, which is scheduled as 05 grams. Counsel further submits that the alleged recovery is highly doubtful, because it is not made clear in the FIR that it was weighed along with polythene or by taking it out from the polythene. Thus,



- 2-

petitioner being inside the jail since 07.01.2025, counsel for the petitioner prays for grant of regular bail.

3. On advance notice and in response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 24.04.2025 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

4. Learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, submits that the petitioner was earlier found involved in 08 other criminal cases of similar nature and in four of them he has been convicted and sentenced with fine.

5. Upon this counsel for the petitioner points out that the fine amount has already been deposited in all those cases.

6. After hearing learned counsel for the parties and perusing the relevant material on record with their able assistance, this Court finds that from the details furnished and recorded hereinabove, prima facie it appears that petitioner himself is a consumer of contraband, as the recovery in the present case is only of three grams of heroin.

7. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, 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 hereinabove 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.

25.04.2025
amandeep

(SANJAY VASHISTH)
JUDGE

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