

**Sr. No.211****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-22105-2025 (O&M)****Date of decision: 20th May 2025****SIMRANJOT SINGH SANDHU****.....Petitioner****versus****STATE OF PUNJAB****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Neeraj Yadav, Advocate
for the petitioner.

Mr. Satjot Singh, Asst. A.G., Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Prayer in this present petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in case bearing FIR No.38 dated 16.06.2024, under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '*the NDPS Act*'), Section 29 of the NDPS Act added later on, registered at Police Station Ajitwal, District Moga (Annexure P-1).

2. As per the prosecution case, on 16.06.2024, at about 4:00-4:30 pm, in the area of Village Chuhar Chak, PS Ajitwal, District Moga, accused Beant Singh @ Ghula and Sukhdeep Singh @ Soni were found in conscious possession of 500 grams of Heroin each, falling under the 'commercial' category and petitioner-Simranjot Singh has been nominated in the present case on the basis of disclosure statement made by co-accused Beant Singh @ Ghula and Sukhdeep Singh @ Soni, under Section 29 of the NDPS Act.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is behind bars since 14.08.2024. There is no history of any other



case registered against the petitioner in India. The petitioner is a resident of Germany. He came to India and was falsely implicated in the present case on the basis of disclosure statement made by co-accused of the petitioner. It is further contended that no recovery has been effected from the petitioner.

4. Learned State counsel has filed custody certificate dated 18.05.2025, reflecting his actual period of custody as 09 months and 04 days, which is taken on record.

4.1 Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. He submits that recovery of 500 grams of Heroin from each of the co-accused namely Beant Singh @ Ghula and Sukhdeep Singh @ Soni has been effected, which falls within the 'commercial' quantity. However, he has confirmed that challan/final report under Section 173 Cr.P.C. has been presented before the trial Court. It is further confirmed that the petitioner is neither facing nor has faced any trial under the NDPS Act. It is further confirmed that no recovery was effected from the accused.

5. I have heard the learned counsel for the parties and perused the relevant documents.

6. The petitioner is behind the bars for the last 09 months and 04 days. Investigation is complete. Final report/challan under Section 173 Cr.P.C. has been presented before the trial Court. Conclusion of trial is likely to take time.

7. The Hon'ble Apex Court of India, in "*Nandlal Mondal @ Abhay Mondal vs. The State of West Bengal, SLP (Crl.) No.12788 of 2023*", considering the 18 months of custody of the accused and on account of



protracted trial in NDPS case involving commercial quantity of contraband, released the accused on bail.

8. Keeping in view the fact that no recovery has been effected from the petitioner and the petitioner has no history of any other criminal case having been registered against him in India but without commenting upon the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail during the pendency of the trial, on his furnishing bonds/surety bonds/two local sureties to the satisfaction of the trial Court/Duty Magistrate.

9. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

20th May 2025
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>