

**CRM-M-28347-2025****221A****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM-M-28347-2025****Date of Decision:-04.11.2025****SONU****.....Petitioner****VERSUS****STATE OF PUNJAB****.....Respondent****CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI****Present:- Mr. Sukhmeet Singh, Advocate
for the Petitioner.****Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.***********JASJIT SINGH BEDI, J.**

The prayer in this petition under Section 483 BNSS, 2023 is for the grant of regular bail in case FIR No.75 dated 27.12.2024 registered under Sections 21/29/61/85 of NDPS Act at Police Station Fatehgarh Panjtoor, District Moga.

2. The brief facts of the case are that Harwinder Singh @ Harry and Sunil (petitioner) were apprehended. From Harwinder Singh @ Harry, the recovery of 300 grams of heroin was effected.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. Pursuant to his arrest, no recovery whatsoever had been effected. The mandatory provisions of Sections 42 and 50 of the NDPS Act have not been complied with in their proper perspective. No independent witness was joined at the time of search and seizure. As the petitioner is a first-time offender, is in custody since 27.12.2024 but only 04 of the 13 prosecution witnesses have been examined



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so far, he is entitled to the concession of bail.

4. The learned counsel for the respondent-State, on the other hand, contends that in view of the serious allegations levelled against the petitioner, he is not entitled to the grant of bail. He, however, admits that pursuant to the arrest of the petitioner, no recovery whatsoever had been effected. He also concedes that the petitioner is a first-time offender, is in custody since 27.12.2024 but only 04 of the 13 prosecution witnesses have been examined so far.

5. I have heard the learned counsel for the parties.

6. Admittedly, pursuant to the arrest of the petitioner, no recovery whatsoever has been effected from him. Whether the petitioner was in conscious possession of the contraband recovered from his co-accused would be a matter of adjudication during the course of the Trial. The petitioner is a first-time offender, is in custody since 27.12.2024 but only 04 of the 13 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. Hence, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Sonu S/o Sukhdev Singh is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate.

8. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing each time that he is not involved in any other crime other than the present one.



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9. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

10. The petition stands disposed of.

**(JASJIT SINGH BEDI)
JUDGE**

04.11.2025

JITESH

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>