



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207-2

CRM-M-39293-2024 (O&M)
Date of Decision: 15.02.2025

Gurwinder Singh @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

PRESENT: Mr. Ranbir Singh Sekhon, Advocate,
for the petitioner.

Mr. Mohit Kapoor, Sr. D.A.G., Punjab,
assisted by SI Harpal Singh.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (*for short, 'BNSS'*), for grant of bail pending
trial to the petitioner in FIR No.48 dated 20.03.2024, under Sections 21(c), 25
& 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short,*
'NSPS Act') registered at Police Station Special Task Force, District S.A.S.
Nagar (Mohali).

2. Allegations are that 150 grams of Heroin was recovered from the
petitioner.

3. Contends that petitioner is not named in the FIR; rather



Kumar. Further contends that recovery alleged against the petitioner is 150 grams of Heroin (intermediate quantity). Again contends that there is no other criminal case pending against the petitioner. Also contends that petitioner is in custody since 12.04.2024; charges already framed on 06.07.2024 and out of 15 prosecution witnesses, only 05 have been examined till date; thus, trial is likely to take sufficient long time.

4. *Per contra*, learned State counsel, on instructions, is not able to controvert the above factual position, but opposed the prayer on the ground that apart from the contraband recovered from petitioner; 350 grams of Heroin (commercial quantity) was recovered from other co-accused.

5. Heard both sides and perused the paper-book.

6. There is no quarrel that as per the prosecution case itself, the alleged contraband recovered from the petitioner is 150 grams of Heroin (intermediate quantity) and there is no other case pending against him. It is also not in dispute that petitioner is in custody since 12.04.2024 and out of total 15 prosecution witnesses, only 05 have been examined till date; thus, conclusion of trial is likely to take sufficient long time.

7. Resultantly, there is no option, except to allow the petition.

8. Consequently, petition is allowed. Petitioner is ordered to be released on bail in this case on his furnishing bail bonds and surety bonds to the satisfaction of learned Special Court/Duty Magistrate concerned.

9. Above observations be not construed as an expression of opinion on the merits of the case, in any manner.



10. It is clarified that in case there is recurrence or any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

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

15.02.2025

atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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