



CRM-M-36158-2025

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-36158-2025

Decided on :17.11.2025

Inderjit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS) seeking grant of regular bail in case FIR No. 05 dated 17.01.2024, under Sections 21, 25, 29 of NDPS Act, registered at Police Station State Special Operation Cell, Amritsar, District Amritsar.

2. As per the prosecution case, on 17.01.2024, 1 kg of heroin was allegedly recovered from the possession of the petitioner. After his arrest and completion of investigation, challan was submitted on 12.07.2024, and charges were framed on 02.08.2024. Despite petitioner being in judicial custody since 17.01.2024, only one prosecution witness has been examined out of a total of eighteen.

3. Mr. Ruhani Chadha, learned counsel for the petitioner, further submits that although charges were framed on 02.08.2024, prosecution witnesses, who are mostly official witnesses, are not coming forward to depose. It is also contended that apart from the instant case, petitioner was earlier implicated in FIR No. 38 dated 24.05.2022, under

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Section 21 of the NDPS Act, registered at Police Station Khalra, District Tarn Taran; however, he was acquitted by learned Special Judge, Tarn Taran, vide judgment dated 12.03.2025. Therefore, as of now, petitioner is accused under the NDPS Act only in the present case, in which charges are yet to be proved. Accordingly, counsel prays for the grant of regular bail.

4. On the other hand, learned State counsel, while filing the custody certificate of the petitioner, opposed the prayer for bail, arguing that although the petitioner was acquitted in FIR No. 38 (supra), he is allegedly involved in another case, FIR No. 163 dated 06.12.2020, under Sections 25, 54, and 59 Arms Act registered at Police Station Lambra. Learned State counsel further argued that present case involves a commercial quantity, attracting the rigours of Section 37 of the NDPS Act, and considering the gravity of the offence and petitioner's antecedents, he does not deserve the concession of regular bail.

5. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto.

6. Having heard learned counsel for the parties and upon perusal of the material on record, it is noticed that the recovery in the present case is 1 kg of heroin, charges are yet to be proved, and petitioner is in custody since 17.01.2024 i.e. approximately one year and ten months, during which only one out of eighteen prosecution witnesses has been examined. It is further observed that trial is likely to take

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considerable time to conclude and that petitioner, who is around 26 years of age, may suffer undue hardship along with other family members. In these circumstances, this Court finds merit in the prayer of the petitioner.

Accordingly, without commenting on the merits of the case, 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

7. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

8. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

9. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

17.11.2025*Rashmi*

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