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IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

CRM-M-43249-2022  
Date of decision:-25.03.2025

DILBAGH SINGH @ BAGHA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dilpreet Singh, Advocate for the petitioner.

Mr. Ankit Grewal, DAG Punjab.

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SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 24.03.2025, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

| FIR No. | Dated      | Sections            | Police Station                                       |
|---------|------------|---------------------|------------------------------------------------------|
| 125     | 03.05.2022 | 21 ( C) of NDPS Act | Cantonment, District Police Commissionerate Amritsar |

3. Arguments heard.

4. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that no alleged recovery ever took place from the petitioner even



as per the allegations in the FIR the recovery of 265 grams of heroin allegedly recovered from the petitioner is marginally above the non commercial quantity. He contends that the petitioner is in custody since 03.05.2022, and after completion of investigation challan has already been presented in Court, wherein prosecution has cited 10 witnesses and till date none of them have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has opposed the bail petition by submitting that 265 gram of heroin was recovered from the possession of the petitioner, which falls within the purview of commercial quantity, as such, he does not deserve concession of bail. However, he has not denied the fact after completion of investigation challan has been presented for trial, wherein prosecution has cited 10 witnesses and till date none of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the secret information, accordingly, the petitioner was apprehended on 03.05.2022 carrying 265 grams of heroin. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 10 witnesses and till date none of them have been examined. Admittedly, the petitioner is in custody since 03.05.2022 and the alleged recovery of contraband effected from him is 265 grams of heroin which is marginally above the non commercial quantity. Therefore, keeping in view the assertion made by learned counsel for the petitioner (*supra*) and also the fact that the conclusion of trial to ascertain



criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

10. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**25.03.2025**  
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|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |