

2025:PHHC:087410



232

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

**CRM-M-36354-2025
DECIDED ON: 17.07.2025**

VICKY

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. B.B.S. Randhawa, Advocate
for the petitioner.

Mr. Rajiv Verma, Senior DAG Punjab

SANDEEP MOUDGIL, J (ORAL)

1. Prayer

The jurisdiction of this Court has been invoked under Section 483 BNSS, 2023 seeking regular bail to the petitioner in case FIR No.102 dated 09.04.2025, under Sections 21, 27-A of NDPS Act, registered at Police Station Civil Line, Batala, District Gurdaspur.

2. Contentions:

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and the alleged recovery of 10 grams of heroin was not recovered from his conscious possession. He further submits that the said recovery is planted upon the petitioner.

On behalf of the State

On the other hand, learned State Counsel has filed the custody certificate of the petitioner, which is taken on record. According to which, the petitioner is behind bars for 3 months and 6 days.

Learned State Counsel on instructions from the Investigating Officer opposes the prayer for grant of regular bail stating that in the present case, investigation is not completed and challan is yet to be presented. Additionally, he submits that the petitioner is a habitual offender, as he is involved in another case.

3. **Analysis**

Considering the small quantity of contraband involved, i.e., only 10 grams of heroin, and the fact that the said contraband was not recovered from the conscious possession of the petitioner but rather from a polythene bag, it is improbable that the petitioner was knowingly carrying the bag containing the illicit substance, therefore, the possibility of false implication of the petitioner cannot be ruled out.

As far as the contention of learned State counsel with regard to the pendency of other cases and involvement of the petitioner in other cases is concerned, reliance can be placed upon the order of this Court rendered in CRM-M-25914-2022 titled as ***“Baljinder Singh alias Rock vs. State of Punjab”*** decided on 02.03.2023, wherein, while referring Article 21 of the Constitution of India, this Court has held that no doubt, at the time of granting bail, the criminal antecedents of the petitioner are to be looked into but at the same time it is equally true that the appreciation of evidence during the course of trial has to be looked into with reference to the evidence in that case alone and not with respect to the evidence in the other pending cases. In such eventuality, strict adherence to the

rule of denial of bail on account of pendency of other cases/convictions in all probability would lend the petitioner in a situation of denial the concession of bail.

4. **Relief:**

In view of the discussions made hereinabove, the petitioner is hereby directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

In the afore-said terms, the present petition is hereby allowed.

However, it is made clear that anything stated hereinabove shall not be construed as an expression of opinion on the merits of the case.

(SANDEEP MOUDGIL)
JUDGE

17.07.2025
Meenu

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