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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-40392-2024 (O&M)
Date of Decision:- 24.02.2025

KAWALPREET SINGH ALIAS KARANVIR SINGH ALIAS KANNU

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Nitish Bansal, Advocate for
Ms. Amarjot Kaur, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 23.02.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division City Batala, Police District Batala is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
157	18.06.2024	21, 27(a), 61 of the NDPS Act	Civil Line, Batala, District Gurdaspur

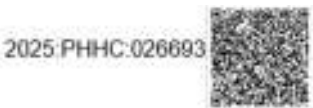
4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He



contends that the petitioner was apprehended by the Police for allegedly having been in possession of 100 grams of heroin along with ₹30,000/-. He submits that the petitioner is not having any criminal antecedents and it is debatable as to whether the recovery of ₹30,000/- effected from the petitioner is drug money or not. He submits that the petitioner is in custody since 18.06.2024 and after the completion of investigation, challan has been presented in Court and the conclusion thereof will take sufficient long time, thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has strongly assailed the arguments advanced by learned counsel for the petitioner by arguing that the petitioner was apprehended by the Police and a recovery of 100 grams of heroin along with ₹30,000/- was effected from his conscious possession, thus, prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 18.06.2024, the petitioner was apprehended by the Police party headed by ASI Malkiat Singh in the vicinity of Village Kahnuwan Road, Methodist Church. The petitioner was allegedly carrying an envelope and on conducting the search, 100 grams of heroin and an amount of ₹30,000/- was allegedly recovered. Accordingly, the petitioner was arrested. Admittedly, the petitioner, having no criminal antecedents, is in custody since 18.06.2024 and after the completion of investigation, challan has been presented in Court on 24.12.2024, wherein the prosecution has cited 15 witnesses and the conclusion of the trial, to



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

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

(SANJIV BERRY)
JUDGE

24.02.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No