



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-37633-2025
Decided on : 23.07.2025

Harpal Singh . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Arshdeep Singh Brar, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harpal Singh	04	09.01.2025	18 of NDPS Act	Badhni Kalan	Moga

2. In the present case, a recovery of 2 Kg 520 Grams of ‘Opium’ was effected from petitioner – Harpal Singh, aged 44 years, while he was driving a Swift car bearing registration No. PB-47D-5090, and was alone in the vehicle at the time of alleged recovery.

3. Learned counsel for the petitioner submits that the petitioner has been in custody for about 06 months and 09 days, with no previous criminal antecedents. It is further submitted that after completion of investigation, challan has already been filed before the trial Court, but the process of recording prosecution evidence has not commenced.



In view of the above, learned counsel prays for the grant of regular bail to the petitioner.

4. On the other hand, learned State counsel, while vehemently opposing the prayer for bail to the petitioner, submits that the offence is serious in nature and is increasing on day-to-day basis in the State of Punjab, which has already ruined the lives of youth and their families. The persons who are suppliers of narcotic substances are a major danger to society, and granting bail to such an accused may adversely affect the society. Therefore, petitioner does not deserve the concession of regular bail.

5. Heard.

6. The fact that the petitioner is aged about 44 years and never found involved indulged in any other similar activity and that the investigation has already been completed and the recovery of contraband is only 20 grams more than the maximum of 'non-commercial' quantity. Definitely the manner of weighing adopted by the prosecution agency would be a moot question before the trial Court, whether same was in consonance with the prescribed norms/rules/guidelines or not.

Even otherwise also, the quantity recovered of 'Opium' is not under dispute. This Court is of the view that, keeping in view all the parameters, the prayer for bail deserves consideration, giving the petitioner one more opportunity to reform and rehabilitate himself in society.

7. Therefore, considering the totality of circumstances, and the nature allegations leveled against the petitioner, and the factors noted here-above, I deem it appropriate to grant the concession of bail to the petitioner

8. Consequently, prayer made in 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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

July 23, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No