

2025 PHHC 019225



214 (1st case)

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

**CRM-M No.43237 of 2024 (O&M)
Date of Decision: 10.02.2025**

Himant Kumar @ Himmat Kumar @ Chottu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Gagandeep Singh Bajwa, Advocate for the petitioner.

Ms. Manjot Kaur, A.A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 Cr.P.C. for grant of bail pending trial to the petitioner in FIR No.35 dated 21.02.2024, under Sections 21 (C) & 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), registered at Police Station STF, District SAS Nagar (Mohali).

(2) Allegations are that petitioner was found in possession of 35 grams of *Heroin* without any license or permit.

(3) Contends that petitioner is in custody since 21.02.2024; charges have already been framed by learned Special Court and out of total 21

2025.PHHC.019225



prosecution witnesses, only 04 have been examined. Specifically contends that recovery alleged against the petitioner is 35 grams of *Heroin* i.e. intermediate; thus, the embargo under Section 37 of the NDPS Act would not be attracted in the present case.

(4) *Per contra*, learned State Counsel although not disputing the factum of alleged recovery; but she opposed the prayer on the premise that drug menace is increasing day-by-day in the State of Punjab.

(5) Heard learned Counsel for the parties and perused the paper-book.

(6) Petitioner is in custody since 21.02.2024; charges have already been framed and out of total 21 prosecution witnesses, only 04 have been examined till date; thus, further incarceration of the petitioner would not serve any purpose.

(7) Also noteworthy that interdict under Section 37 of the NDPS Act would not be attracted in this case; consequently, this Court deems it appropriate to allow the petition.

(8) So ordered.

(9) Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(10) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

2025 PHHC 019225



(11) The above observations be not construed as an expression of opinion on merits of the case in any manner.

(12) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

10th February, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>