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

CRM-M-43969-2024**Date of Decision: 29.01.2025**

Roshan Masih

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.25 dated 10.02.2023 registered under Sections 21(B), 29 of NDPS Act, 1985 and offence under Section 22 of NDPS Act added later on, at Police Station Cantonment, District Police Commissionerate Amritsar.
2. As per case of the prosecution, on 10.02.2023, the petitioner was arrested alongwith 255 grams heroin in his possession without any licence or permit.
3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. He further submits that charges have already been framed by the trial Court on 04.09.2023 but no prosecution witness has been examined so far. The petitioner is in custody since 10.02.2023. He further contends that the petitioner was involved in two more criminal cases but he is on bail in both the cases. Trial is likely to take long



time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) **CRM-M-37684-2021, Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) **CRM-M-8212-2022, Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) **CRM-M-35186-2016, Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the ‘commercial quantity’, but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Therefore, the petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing of bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate concerned.

(N.S.SHEKHAWAT)
JUDGE

29.01.2025
hemlata

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