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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40718-2025
Decided on : 20.08.2025

Nand Lal . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Davinder Singh Saini, Advocate
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab and
Mr. Bareen Pratap Singh, AAG, 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Nand Lal	70	18.05.2025	21/61/85 of NDPS Act	Anandpur Sahib	Rupnagar

2. Allegations against the petitioner are that he was carrying a transparent polythene bag containing 40 grams of ‘Heroin’ and, upon noticing the police party, he threw the same into the bushes. However, instead of fleeing, the petitioner allegedly continued waiting for customers while sitting on the motorcycle bearing registration No. PB12-AD-0562.

3. Learned counsel for the petitioner contends that the recovered quantity falls within the non-commercial category and that the petitioner has



already undergone custody for a period of about 02 months and 13 days, without any material progress having been made in the investigation.

4. Learned counsel further submits that the case against the petitioner is false and concocted, pointing out that the prosecution version itself appears improbable. According to him, once the accused had seen the police party, the natural conduct would have been to run away from the spot after throwing the polythene bag, whereas the story projected by the prosecution is that after throwing the bag, the petitioner continued to sit on the motorcycle awaiting customers. It is also submitted that the petitioner has been implicated time and again in multiple cases by the police. In this regard, reliance is placed upon paragraph No.7 of the status report, wherein it is reflected that out of 12 criminal cases registered against him, the petitioner stands acquitted in 08 cases. The trials in the remaining 04 cases are still pending, and he has not been convicted in any of them. Out of the pending 04 cases, only one pertains to the NDPS Act. (As per instructions given by learned State Counsel).

5. For ready reference, the details of all those cases are reproduced here-under:

<i>Sr. No.</i>	<i>Registered FIR/Case</i>	<i>Present Status of the FIR/Case</i>
1.	<i>FIR No.85, Dated 09.09.2024, U/S 22 NDPS Act, 1985, P.S. Kiratpur Sahib, District Rupnagar</i>	<i>Trial of the case is going on.</i>
2.	<i>FIR No.121, Dated 20.11.2013, U/S 341, 323, 147, 149, 504 IPC, P.S. Kot Kehloor, District Bilaspur (HP).</i>	<i>Trial of the case is going on.</i>
3.	<i>FIR No.114, Dated 20.10.2011, U/S 147, 148, 149, 325, 341, 506 IPC, P.S. Kot Kehloor, District Bilaspur (HP).</i>	<i>Trial of the case is going on.</i>
4.	<i>FIR No.139, Dated 02.07.2011, U/S 341, 323, 427 IPC, P.S. Nalagarh,</i>	<i>Trial of the case is going on.</i>



	<i>District Solan (HP)</i>	
5.	<i>FIR No.75, Dated 05.07.2011, U/S 324, 148, 149 IPC, P.S. Kot Kehloor, District Bilaspur (HP)</i>	<i>Acquitted on 05.03.2012.</i>
6.	<i>FIR No.13, Dated 02.02.2011, U/S 341, 323, 504, 506 IPC, P.S. Kot Kehloor, District Bilaspur (HP)</i>	<i>Acquitted on 07.12.2011.</i>
7.	<i>FIR No.88, Dated 12.06.2010, U/S 451, 323, 504, 506, 34 IPC, P.S. Kot Kehloor, District Bilaspur (HP)</i>	<i>Acquitted on 22.09.2022.</i>
8.	<i>FIR No.13, Dated 29.01.2010, U/S 323, 147, 149 IPC, P.S. Kot Kehloor, District Bilaspur (HP)</i>	<i>Acquitted on 25.05.2023.</i>
9.	<i>FIR No.12, Dated 28.01.2010, U/S 452, 427, 506, 148, 149 IPC, P.S. Anandpur Sahib, District Rupnagar</i>	<i>Acquitted on 17.12.2015.</i>
10.	<i>FIR No.12, Dated 24.01.2008, U/S 147, 149, 323, 504, 506 IPC, P.S. Kot Kehloor, District Bilaspur (HP)</i>	<i>Acquitted on 01.03.2016.</i>
11.	<i>FIR No.142, Dated 11.12.2016, U/S 341, 323, 506, 34 IPC, P.S. Sri Anandpur Sahib, District Rupnagar</i>	<i>Acquitted on 09.03.2019.</i>
12.	<i>FIR No.74, Dated 26.06.2012, U/S 341, 323, 506 IPC, P.S. Kiratpur Sahib, District Rupnagar</i>	<i>Acquitted on 28.02.2018.</i>

Thus, in view of above, learned counsel prays for concession of regular bail to the petitioner.

6. Learned State Counsel, however, vehemently opposed the grant of regular bail to the petitioner. It is argued that the petitioner is a habitual offender, having been involved in multiple criminal cases in the past, and therefore, does not deserve the concession of bail. It is further contended that the allegations in the present case pertain to recovery of contraband, and offences under the NDPS Act are grave in nature, carrying stringent punishment.

Learned State Counsel further submits that mere acquittals in earlier cases do not *ipso facto* entitle the petitioner to bail, particularly when the present allegations are serious. It is also urged that repeated involvement



of the petitioner in such cases shows his tendency to indulge in similar offences, and his release on bail may adversely affect the ongoing trial and investigation.

7. This Court has considered the rival submissions and perused the record with due care. Taking into consideration that out of a total of 12 cases, the petitioner already stands acquitted in 08 cases, and keeping in view that the allegations in the present FIR are yet to be established by the prosecution beyond the shadow of reasonable doubt, coupled with the fact that the recovered contraband is much below the threshold of 'non-commercial quantity', i.e., 250 grams, this Court finds merit in the submissions advanced on behalf of the petitioner. In such circumstances, further incarceration of the petitioner would serve no useful purpose, particularly when trial is likely to take considerable time. Accordingly, this Court is of the considered opinion that the petitioner deserves the concession of regular bail.

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

August 20, 2025

J.Ram

Whether speaking/reasoned: ☒ Yes/~~No~~

Whether Reportable: ☒ Yes/~~No~~