

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-47429-2024 (O&M)
Date of Decision:- 08.04.2025

HARJIT SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Kulwinder Singh, Advocate for the petitioner.
Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
44	19.07.2024	21-B and 27-A NDPS Act	Tibber, District Gurdaspur

2. 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 alleged recovery effected from the petitioner is 06 grams of heroin, which falls within the category of non-commercial quantity, along with ₹2400/- cash. He submits that the petitioner is not having any criminal



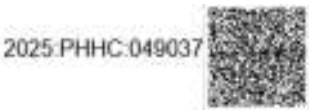
antecedents and is in custody since 19.07.2024. He further submits that after the completion of investigation, challan has been presented in Court and the conclusion of trial is likely to take considerable long time. Thus prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the reply filed by the State has opposed the petition on the ground that the petitioner was apprehended by the police, keeping in his possession 6 grams of heroin along with ₹2400/- drug money. He has, however, not disputed that the recovery falls within the category of non-commercial quantity and challan has already been presented in Court.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 19.07.2024, the petitioner was intercepted by the police party, who was coming on foot. Upon search, 06 grams of heroin along with ₹2400/- cash was recovered. Admittedly, the recovery falls within the ambit of non-commercial quantity and after the completion of investigation, challan has been presented in Court. Learned State counsel has apprised that the prosecution has cited 11 witnesses but till date none has been examined. The petitioner has clean antecedents and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

6. 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.

7. 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.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

08.04.2025
S.Sharma(syr)

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