



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

233

**CRM-M-45640-2025
Decided on : 01.12.2025**

Arshdeep Singh alias Arshi . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. R.K. Saini, Advocate
for the petitioner(s).

Mr. Sukhbeer Singh, DAG, 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
Arshdeep Singh alias Arshi	115	16.06.2024	21-B, 21(C), 29 of NDPS Act, 1985 & 25 of Arms Act, 1959	Islamabad	Amritsar

2. As per the prosecution, 50 grams of heroin was recovered from co-accused – Daljit Kaur, and upon her disclosure statement, the present petitioner was nominated in the case. On being arrested, 200 grams of heroin was allegedly recovered from the petitioner. Thereafter, on the basis of petitioner’s disclosure statement, co-accused Gurbax Singh @ Lala was arrested, from whose possession 2 kg of heroin, 1 kg of “Ice” and 500 grams of material used for manufacturing “Ice” were recovered. Further disclosure statement of said co-accused led to arrest of yet another accused – Ravinder



Singh @ Chitti, from whom one .32 bore pistol along with two live cartridges were recovered.

3. Learned counsel for the petitioner argues that the recovered contraband from the petitioner is only 200 grams of heroin, which is 50 grams less to the maximum of non-commercial quantity. The petitioner is in custody since 16.07.2024; charges were framed on 10.09.2025; however, out of total 26 prosecution witnesses, not even a single witness has been examined till date. Thus, learned counsel submits that petitioner cannot be forced to remain inside jail without even producing the prosecution witnesses in the Court at the shortest possible time.

4. Learned counsel for the petitioner fairly submits that the petitioner is also involved in another case under the NDPS Act but no recovery was effected from him therein and he has already been granted bail in that case. Mere pendency of another FIR cannot justify prolonged incarceration where trial is not proceeding. Therefore, prayer has been made for release of the petitioner on regular bail.

5. On the other hand, learned State counsel has filed status report dated 29.11.2025 in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place. A copy thereof has been supplied to the petitioner's counsel.

6. Learned State counsel, while opposing the prayer for bail, submits that the petitioner is a member of an active drug trafficking gang, smuggling contraband across the border. Further submits that since the recovery from co-accused is of commercial quantity, petitioner does not deserve concession of bail at this stage without establishing his innocence.



However, on Court's query, learned State counsel admits that none of the 26 prosecution witnesses has been examined so far and the petitioner has suffered incarceration for approximately 01 year, 04 months and 05 days. It is further clarified that in the other NDPS case registered against him, the petitioner is presently on bail.

7. I have heard learned counsel for the parties and perused the material on record.

8. Admittedly, the recovery attributable to the petitioner is 200 grams of heroin, which is 50 grams less to the commercial quantity and thus does not invite the rigours of Section 37 of the NDPS Act. The petitioner is in custody since 16.07.2024, i.e., for about 01 year, 04 months and 05 days, and despite filing of challan and framing of charges, not even a single witness has been examined out of the total cited 26 prosecution witness. Therefore, conclusion of trial is likely to take considerable time. Further, merely because one more case under the NDPS Act is pending against him, where he is already on bail and there is no conviction recorded, cannot be a ground to curtail the liberty of the petitioner for indefinite period. The petitioner, who is still young boy of the age of 21 years, is entitled to an opportunity to reform and reintegrate into society, rather than remaining incarcerated indefinitely awaiting completion of trial. In these circumstances, this Court deems it appropriate to consider the petitioners' plea for grant of bail.

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**.

 Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

December 01, 2025
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*