



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

03

**CRM-M-47082-2025
Reserved on :09.09.2025
Pronounced on: 11.09.2025**

RASHPAL SINGH @ SONU

.....PETITIONER

Versus

STATE OF PUNJAB

..... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Atinderpal Singh, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

1. This is first petition for bail, filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The present petition has been filed with regard to a case arising out of FIR No.0129 dated 17.06.2025, under Sections 21-B, 27(a), 29 of the NDPS Act 1985, Police Station Jandiala, District Amritsar Rural.

2. In nut-shell the facts emerging from record are that the above mentioned FIR came into being in view of a complaint of ASI Balwinder Lal, who reported to SHO Police Station Jandiala Guru, on 17.06.2025, that when a police party headed by above named ASI was on duty in village Balia Manjhpur, it supported a clean shaven young boy present in his house. According to prosecution when the above said boy noticed that police party was present near his house, he got nervous and suddenly picked up a transparent wax envelope from right pocket of his trouser and attempted to throw it in the bathroom. According to above named ASI with the help of



fellow officials, he apprehended the above mentioned boy enquired about his name and address and when the contents of polythene bag attempted to be thrown were checked it was found that he was carrying 16 gram of heroine in the above mentioned bag.

3. According to prosecution, once the recovery of contraband took place, necessary paper work and other formalities were completed by the police party and the petitioner was arrested.

4. Heard.

5. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case and that he has no nexus whatsoever with the commission of crime. As per learned counsel for the petitioner, the petitioner has clean antecedents as he has never been prosecuted for any offence in the past. In addition to above, it has also been argued by learned counsel for the petitioner that several safeguards have been provided to an accused under NDPS Act and that in the present case in utter violation of all those safeguards, the Investigating Agency has prosecuted the petitioner. According to learned counsel for the petitioner, there is no compliance of Section 50 of NDPS Act and therefore, in every probability the prosecution case is likely to fail.

6. Besides above, it has also been contended by learned counsel for the petitioner that the petitioner is already in custody for a period of two months and 21 days and that nothing is left to be recovered from the possession of petitioner and the trial is not likely to be concluded in near future. It has been asserted by learned counsel for the petitioner that in view of above mentioned ground the petitioner is entitled for the benefit of bail.



7. Per contra learned State counsel argues that the allegations against the petitioner are of serious nature and that the investigation in the present case is still going on. According to learned State counsel since against the prescribed limit of small quantity i.e. 05 grams, the petitioner was found in possession of 16 grams heroine, which, although not a commercial quantity, was 03 times the small quantity, he is not entitled for benefit of bail.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, there are certain relevant factors, which needs to be taken into consideration for arriving at any decision with regard to instant petition. Those factors are:-

- (1) that the quantity of contraband allegedly found in possession of petitioner is just above the maximum limit prescribed for small quantity and only a friction of lowest limit meant for commercial quantity;
- (2) that the petitioner has clean antecedents as he has never been prosecuted for any offence earlier;
- (3) that the petitioner is already in custody for a period of 02 months and 21 days;
- (4) that nothing is left to be recovered from the possession of petitioner;
- (5) that the trial and investigation are not likely to be concluded in near future;
- (6) that detention of petitioner in judicial lock up is not likely to serve any purpose;

10. If cumulative effect of all the above mentioned factors is taken into consideration it leads to a conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the



case, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the trial Court.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:11.09.2025

vipin

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