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

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Decided on :18.11.2025

Harjinder Singh alias Budhu

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Sandeep Verma, Advocate for the petitioner.

Mr. Bareen Pratap Singh, Asst. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present Second petition has been filed under Section 483 of the *Bharatiya Nagarik Suraksha Sanhita* (BNSS) seeking grant of regular bail in case FIR No. 205 dated 26.08.2023, under Section 21(c) of NDPS Act, registered at Police Station Jamalpur, Ludhiana, District Ludhiana.

2. Case of the prosecution is that the petitioner, Harjinder Singh @ Budhu, aged 27 years, while travelling along with Sukhvir Singh @ Goldi (driver of a white Innova car bearing registration No. PB-11-BF-4877) and Gurpreet Singh @ Gopi, was intercepted by a police team. Upon search of the vehicle, 530 grams of heroin was allegedly recovered from the dashboard of the car, along with Rs. 24,700/- claimed to be drug money.



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3. Learned counsel for the petitioner submits that petitioner was merely sitting on the passenger seat and had no control or management over the vehicle, which was being driven by co-accused Sukhvir Singh @ Goldi. It is argued that the petitioner had no connection with the said vehicle and that the alleged contraband was not in open view, having been shown to be recovered from the dashboard of the car.

4. Learned counsel further contends that petitioner, a young man of 27 years, has never previously been implicated in any case under the NDPS Act. His alleged involvement is yet to be established, particularly on the crucial issue of *conscious possession*, i.e., whether he had prior knowledge of the contraband allegedly kept in the dashboard. Unless such conscious possession is proved, and that too beyond reasonable doubt, petitioner cannot be made to suffer prolonged incarceration. It is submitted that the petitioner has already been in custody for the last two years, two months, and twenty days.

It is further submitted that out of the total 16 prosecution witnesses, only 06 witnesses have been examined so far, and therefore, the conclusion of the trial is likely to take considerable time. On these grounds, learned counsel prays for grant of regular bail to the petitioner.

5. On the other hand, learned State counsel has filed the custody certificate of petitioner and confirms the period of incarceration undergone by him, as well as the fact that he is not involved in any other case under the NDPS Act. However, learned State counsel vehemently opposes the prayer for bail and submits that the recovery in the present

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case falls within the category of *commercial quantity*, attracting the rigors of Section 37 of the NDPS Act. It is argued that the offence alleged is grave and poses serious threat to society, and therefore, the statutory embargo against grant of bail must be strictly applied. Therefore prays for dismissal of the present petition.

6. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto.

7. Broadly, the issue as to whether petitioner was in conscious possession of the contraband is a matter that shall fall for determination before the learned trial Court, particularly when the alleged recovery was effected from inside the dashboard of the vehicle and not from any place in open view. At this stage, such a question cannot be conclusively adjudicated.

Considering the period of incarceration already suffered by petitioner, slow pace of trial, where only 06 out of 16 prosecution witnesses have been examined so far, and the fact that petitioner is not involved in any other NDPS case, further detention of the petitioner would not serve any meaningful purpose. The trial is likely to take a considerable time to conclude.

Accordingly, without commenting on the merits of the case, present petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing bail bonds and surety to the satisfaction of the learned trial Court concerned.

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Consequently, present petition stands 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.

8. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

9. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

10. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

18.11.2025*Rashmi*

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