



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-51487-2024
Date of decision:-24.03.2025

VISHAL

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed reply by way of affidavit dated 23.03.2025 of Deputy Superintendent of Police, Sub-division Attari, Amritsar, the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
124	20.07.2022	21 of NDPS Act	Gharinda, Amritsar

3. Arguments heard.

4. 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 even otherwise the alleged recovery effected from the petitioner is marginally higher than the non commercial quantity with which



the petitioner has no concern. He contends that no other case under NDPS Act is registered against the petitioner and he was arrested on 20.07.2022 and remained in custody till 08.12.2022, and was granted concession of interim bail. Thereafter, on receipt of FSL Report he surrendered on 17.08.2023, since then he is in custody. He contends that after completion of investigation challan has already been presented in Court, wherein prosecution has cited 12 witnesses and till date only 2 witnesses have been examined. Hence prayed for grant of concession of regular bail to the petitioner.

5. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 260 grams of heroin was recovered from the conscious possession of the petitioner, which falls within the purview of commercial quantity, as such, he does not deserve concession of bail. However, he has not denied the fact the petitioner is not having any other case registered under NDPS Act and after completion of investigation challan has been presented for trial, wherein prosecution has cited 12 witnesses and till date only two of them have been examined.

6. After considering the rival contentions and perusing the record, it transpires that during patrolling, a secret information was received and on the basis of the same petitioner was apprehended and recovery of 260 grams of heroin was effected. Consequently, the petitioner was arrested on 20.07.2022 and remained in custody till 08.12.2022, and thereafter was granted concession of interim bail. After receipt of FSL Report, petitioner surrendered on 17.08.2023, since then, he is in custody. After completion of



investigation, challan has already been presented in Court wherein prosecution has cited 12 witnesses and till date only 2 witness have been examined. The Petitioner is not involved in any other NDPS case. Therefore, keeping in view the assertion made by learned counsel for the petitioner (supra) and also the fact that the conclusion of trial to ascertain criminal liability, if any will take sufficient long time, no purpose would be served by detaining the petitioner any longer.

7. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

8. 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.

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

10. Pending application(s) if any shall also stand disposed of.

(SANJIV BERRY)
JUDGE

24.03.2025

Gyan

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