



CRM-M-51815-2025

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

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Decided on :26.09.2025

Harpreet Singh alias Harry

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Ms. Ruby Kaur, Legal Aid Counsel for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS, seeking regular bail in case FIR No.168 dated 06.11.2024, under Sections 21-C, 29 of NDPS Act, registered at Police Station STF Mohali
2. As per the prosecution's case, on 06.11.2024, a motorcycle, Hero Splendor, bearing registration number PB-02-EW-7541, was boarded by two persons who are accused in the present case, namely Gurpreet Singh @ Gopi and Harpreet Singh @ Harry (the petitioner herein). Upon search, the petitioner, Harpreet Singh @ Harry, was found to be carrying 257 grams of heroin in a polythene packet kept in the right pocket of his jeans. Other co-accused-Gurpreet Singh @ Gopi, was found in possession of 263 grams of heroin, contained in a transparent polythene packet kept in the right pocket of his blue pyjama. Thus, a total



of 520 grams of heroin was recovered from the possession of both accused persons.

3. Learned counsel for the petitioner argues that the recovery from the petitioner is 257 grams, which is only 7 grams above the maximum non-commercial quantity of heroin, i.e., 250 grams. Ms. Ruby Kaur, Advocate, further contends that the exact weight of the contraband, whether it is 257 grams or less, is yet to be conclusively determined during the course of the trial. She submits that two crucial issues may arise before the Court at the relevant stage: (i) whether the contraband was weighed along with the polythene packet or separately after being removed from it; and (ii) whether the weighing process employed by the investigating agency adhered to the prescribed procedures and norms. Consequently, she submits that no definitive opinion can be formed at this stage as to whether the recovered contraband falls within the commercial quantity category or not. Any variation in the weight may significantly impact the outcome of the trial.

Learned counsel further submits that petitioner is in custody since 06.11.2024, i.e., for the past 10 months and 15 days, and has no prior record of involvement in any offence punishable under the NDPS Act. It is contended that the petitioner has been falsely implicated in this case, and therefore, a prayer is made for the grant of bail.

4. On the other hand, learned State counsel has filed the custody certificate of the petitioner and confirmed the factual submissions regarding the petitioner's incarceration period of 10 months

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and 15 days in jail. Learned State counsel further submits that although petitioner was previously involved in another criminal case, it was not registered under the provisions of the NDPS Act. Learned State counsel further confirms that charges were framed on 26.05.2025; however, the process of recording statements of the prosecution witnesses, totaling 15 in number, has not yet commenced.

5. Having heard learned counsel for the respective parties and perused the record available before this Court, it is evident that a crucial question for determination by the learned trial Court at the appropriate stage will be whether the recovered quantity of the contraband falls within the category of commercial quantity or non-commercial quantity.

Further, petitioner is in custody for a substantial period exceeding 10 months, while the trial is progressing at a very slow pace. The petitioner is a young individual with no prior conviction under the NDPS Act. Considering these facts, this Court finds it just and appropriate to grant bail to the petitioner

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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

6. 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



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independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

7. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

26.09.2025
Rashmi

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