



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

237/1

CRM-M-52442-2024 (O&M)
Date of Decision:- 12.05.2025

RAHUL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Rishu Mahajan, Advocate for
Mr. P.S. Rai, Advocate for the petitioner.

Mr. K.D. Sachdeva, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
76	28.09.2023	21(C), 29 of the NDPS Act; 25 and 27 of the Arms Act; (27-A NDPS Act added later on)	Sarai Amanat Khan, District Tarn Taran

2. 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 the petitioner is not having any criminal antecedents nor has he any concern with the alleged recovery effected from co-accused. He submits that the petitioner is in custody since 28.09.2023 and the prosecution has



examined only 01 witness out of 15 witnesses cited by it. He further submits that the pace with which the trial is moving, it will take considerable long time for the Trial Court to conclude the trial and considering the fact that no recovery whatsoever has been effected from the petitioner, he cannot be left to incarcerate indefinitely. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the petitioner along with co-accused were apprehended by the Police party and commercial quantity of contraband was recovered from them. Thus, prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, on the fateful day, the police party apprehended one Aactiva Scooter. Co-accused Jagraj Singh was riding the scooter while the petitioner was sitting behind him, followed by co-accused Amritpal Singh. From the personal search of Jagraj Singh ₹30,000/- was recovered and from co-accused Amritpal Singh 32 bore pistol along with 5 live cartridges were recovered. From the search of dickey of the scooter, 750 grams of heroin was recovered. Accordingly, the accused were arrested.

6. Admittedly, no recovery of contraband has been effected from the personal search of the petitioner nor the petitioner is having any criminal antecedents. He is in custody since 28.09.2023 and only one witness has



been examined out of 15 witnesses cited by the prosecution. The criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. Moreover, considering the fact that the petitioner is not having any criminal antecedents and nor any contraband has been recovered from his conscious possession, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

12.05.2025
S.Sharma(syr)

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