



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

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**CRM-M-53091-2024 (O&M)
Date of decision: 21.07.2025**

Rohan

....Petitioner

versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Sekhon, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 483 of the BNSS, 2023, is for grant of regular bail to the petitioner in FIR No.11 dated 02.02.2024 registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'the NDPS Act') at Police Station Haryana, District Hoshiarpur.

2. As per the case of prosecution in brief, on 02.02.2024 ASI Madan Singh alongwith other police officials was on patrolling duty. When the police party reached at the turn of village Khakli, they saw one person coming on foot. ASI Madan Singh gave signal to stop said person but on seeing the police party he had taken out one polythene envelop from his pocket and threw it on the road side. On suspicion, he was apprehended. On asking, he disclosed his name as Rohan son of Balbir Singh. During checking of polythene envelop thrown by said



Rohan, one computerized weighing scale alongwith intoxicant powder was recovered from it, which on weighing came out to be 270 grams. Accordingly, the impugned FIR was registered and accused/petitioner was arrested in this case.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the FIR (supra). The contraband, which was allegedly recovered from the conscious possession of the petitioner is 270 gms. of Tramadol Hydrochloride, which is marginally higher than the non-commercial quantity. The contraband was taken into possession and weighed along with the polythene bag as such, if the weight of the polythene bag is reduced, the alleged contraband recovered from the petitioner, would be less than the commercial quantity and the petitioner is short only by 15 days from being covered by the ratio of law laid down in ***Nandlal Mondal @ Abhay Mondal Vs. The State of West Bengal SLP (Crl.) No(s).12788/2023.***

4. Learned counsel for the petitioner further submits that the petitioner is in custody since 02.02.2024 and there are total 10 prosecution witnesses cited in the list of witnesses, out of which, no PW has been examined till date, rather 03 PWs have been given up and the trial is likely to take long time in conclusion.

5. *Per contra*, learned State counsel has filed custody certificate which is taken on record and he opposes the prayer made by learned counsel for the petitioner on the ground that the contraband



allegedly recovered from the conscious possession of the petitioner, falls within the ambit of commercial quantity and petitioner is involved in two more cases registered under the provisions of IPC, as such, he is not entitled to any relief, however, he could not controvert the fact that the petitioner is not involved in any other case registered under the NDPS Act.

6. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 01 year, 05 months and 15 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court. Charges were framed and trial of the case has not made much progress. Out of 10 prosecution witnesses, not even a single prosecution witness has been examined so far. However, this delay in conclusion of the trial cannot be attributed to the petitioner.

7. The contraband recovered from the petitioner exceeds the commercial quantity by 20 gms. In cases where the recovery only marginally breaches the threshold for commercial quantity of the alleged contraband, this Court has found it proper to grant regular bail. Reference in this regard can be made to the judgments rendered by this Court in *Davinder Singh alias Baba vs. State of Punjab in CRM-M-64821-2023 decided on 25.01.2024*, *Gurmeet Singh vs. State of Punjab in CRM-M-1007-2024 decided on 15.01.2024*, *Ranjti Singh @ Ranjit Kumar vs. State of Punjab in CRM-M-57185-2022 decided on 10.01.2023*, *Jagtar Singh vs. State of Punjab in CRM-M-21460-2022*



decided on 08.02.2023, Harjeet Singh alias Sonu vs. State of Punjab in CRM-M-8242-2023 decided on 15.01.2024, Jang Kanwar vs. State of Punjab in CRM-M-53415-2021 decided on 19.01.2022, Sukhchain Singh @ Manga vs. State of Punjab, CRM-M-7857-2022 decided on 04.04.2022, Pardeep Singh vs. State of Punjab, CRM-M-46244-2022 decided on 19.01.2023, Hari Yadav @ Haiya vs. State of Punjab (CRM-M-37645-2021)’ decided on 11.11.2022, ‘Shankar Prashad Chanau vs. The State of Punjab, CRM-M-24090-2020, decided on 27.08.2020, Gurpreet Kumar vs. State of Punjab, CRM-M-17021-2021, decided on 31.08.2021, Salim vs. State of Haryana, CRM-M-42436-2020, decided on 24.02.2021, Satnam Singh @ Chacha vs State of Punjab, CRM-M-34531-2020, decided on 25.02.2021, Gagandeep vs. State of Punjab, CRM-M-3055-2021, decided on 27.01.2021, Gurpreet Singh @ Gopi vs. State of Punjab, CRM-M41039-2019, decided on 26.02.2020, Dalbara Singh vs. State of Punjab, CRM-M-47880-2022 decided on 16.01.2023’, and Vivek Watts vs. State of Punjab, CRM-M-13791-2022 decided on 15.02.2023.

8. Moreover, the culpability, if any, would be determined at the time of trial and as such, no useful purpose will be served by further detention of the petitioner-accused. In fact, keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India.



9. Finally, in view of the ratio of law laid down by Hon’ble Supreme Court in *Prabhakar Tiwari vs. State of UP and Anr. 2020(1) RCR (Criminal) 831* and *Maulana Mohd. Amir Rashadi vs. State of U.P. and Others 2012(2) SCC 382*, the involvement of an accused in other criminal cases cannot be the sole ground to deny the concession of bail to the petitioner.

10. In view of the discussions made hereinabove, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner namely Rohan is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

11. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

(HARPREET SINGH BRAR)
JUDGE

21.07.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No