



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53701-2024(O&M)
Date of decision:-20.05.2025

SONU SINGH
... Petitioner
Versus
STATE OF PUNJAB
... Respondent

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

Present:- Mr. Amit Arora, 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 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
66	13.08.2023	21(c) of NDPS Act	Sarai Amant Khan, District Tarn Taran

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and he is in custody since 13.08.2023. He contends that the alleged recovery of contraband is marginally above the non commercial quantity. He contends that petitioner is not having any criminal antecedents and after completion of investigation, challan has already been presented in Court, wherein prosecution has cited 11 witnesses and till date none of them have been examined. He contends that co-accused Gursewak Singh alias Sewak has already been granted concession of bail by this Court vide order dated



07.05.2025 passed in CRM-M-16641-2024. Hence, prayed for grant of regular bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 265 grams of heroin was recovered from the conscious possession of the petitioner and 255 grams was recovered from the co-accused Gursewak Singh alias Sewak. Hence prayed for dismissal of the bail petition. However, he has not disputed the fact that co-accused Gursewak Singh alias Sewak has been granted concession of regular bail.

5. After considering the rival contentions and perusing the record, it is observed that as per the version of the prosecution, police apprehended the petitioner alongwith co-accused Gursewak Singh alias Sewak on 13.08.2023 and from conscious possession of the petitioner 265 grams of heroin was allegedly recovered, whereas from co-accused Gursewak Singh alias Sewak 255 grams of heroin was recovered. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 11 witnesses and till date none of them have been examined. Admittedly, co-accused Gursewak Singh alias Sewak has already been granted concession of bail by this Court vide order dated 07.05.2025 passed in CRM-M-16641-2024 and the recovery effected from the petitioner is marginally higher than the non commercial quantity. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time.

6. Therefore, considering the slow pace with which the trial is proceeding, as well as the fact that the recovered contraband allegedly effected from the petitioner is marginally higher than the non commercial



quantity, this case is deemed fit where rigor of Section 37 of the NDPS Act could be diluted, as such, 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 again 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

20.05.2025

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