

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

2025:PHHC:032252



(240)

CRM-M-53801-2024

Date of Decision: 06.03.2025

Varinder Singh @ Vicky

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Surinder Thakur, Advocate for petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL.J (Oral)

The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.202, dated 13.07.2019, under Section 22 of NDPS Act, registered at Police Station, Model Town, Hoshiarpur.

Learned counsel for the petitioner submits that a recovery of 30 grams of heroin was allegedly effected from the petitioner pursuant to a purported secret information received by the police. Thereafter, the petitioner was extended the concession of bail by the learned Trial Court, however, on account of the petitioner absenting before the Trial Court on a couple of dates, non-bailable warrants were issued and it was on 08.08.2024 that petitioner surrendered before the Trial Court concerned. It has been argued by learned counsel for the petitioner that the recovery of 30 grams of heroin is far below than the minimum classified as commercial under the Act. The petitioner has no previous criminal antecedents. It has still further

been submitted that out of the 17 prosecution witnesses cited as on date, only 4 witnesses have been examined and therefore, the possibility of the trial concluding in the near future does not arise. A prayer has been made that in the given facts and circumstances the petitioner be admitted to bail subject to any stringent conditions that may be imposed upon him.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has not disputed the custody period of the petitioner. However, it has been submitted that out of the 17 prosecution witnesses cited although only 4 have been examined, 2 have been given up and which leads 11 witnesses to be examined.

On a pointed query, learned State counsel has not disputed that the petitioner has no previous criminal antecedents. However, learned State counsel has submitted that although the recovery effected from the conscious possession of the petitioner was only 30 grams of heroin, co-accused Sarbjit Singh, who too was accompanying the petitioner in the car, was apprehended with 120 grams of heroin and therefore the total recovery effected in the present case is 150 grams which falls within the intermediary quantity.

I have heard learned counsel for the parties and examined the material on record.

The total recovery effected in the present case is 150 grams of heroin (30 grams from the conscious possession of the petitioner and 120 grams of conscious possession of co-accused); 11 prosecution witnesses remain to be examined, therefore, the trial would take considerable time to conclude. Petitioner has no previous criminal antecedents, this Court deems

it fit to admit the petitioner to bail.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

06.03.2025

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