



**In the High Court for the States of Punjab and Haryana
At Chandigarh**

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CRM-M-52958-2025 (O&M)
Date of Decision:- 13.11.2025

Danish @ Gaggu	... Petitioner
Versus	
State of Punjab	... Respondent

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present:- Mr. K.S. Brar, Advocate for the petitioner.
Mr. Subhash Godara, Addl. A.G., Punjab.

SUBHAS MEHLA, J. (Oral)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.191 dated 27.06.2025, registered under Sections 21(b), 29 & 27-A of NDPS Act, 1985, at Police Station Islamabad, District Amritsar
2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in the present case. It is submitted that 150 grams of ‘heroin’ has been recovered from the petitioner, which falls under non-commercial quantity. The present petitioner is in custody since 27.06.2025 i.e. for the last about 04 months and 10 days and is not involved in any other case. He further submits that marriage of the petitioner is fixed for 16.11.2025 and that, co-accused namely Abdul Rehman and Pardeep Pintu have already been granted bail by this Court vide order dated 26.08.2025 passed in CRM-M-45401-2025. Hence, prayed for concession of bail to the petitioner.



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3. On the other hand, learned State counsel has opposed the bail of the petitioner by submitting that the petitioner is a habitual offender as he is involved in four other cases, however, it is not disputed that contraband recovered from the present petitioner, falls under non-commercial quantity i.e. 150 grams of 'heroin'. Investigation qua him has already been completed and final report has been filed, however, charges are yet to be framed and prayed for dismissal of his bail petition.

4. Heard.

5. Keeping in view the facts and circumstances of the case, this Court finds that contraband recovered from the present petitioner was 150 grams of 'heroin', which falls under non-commercial quantity. The petitioner is in custody since 27.06.2025 i.e. for the last about 04 months and 10 days; marriage of the petitioner is fixed for 16.11.2025; and co-accused namely Abdul Rehman and Pardeep Pintu have already been granted bail vide order dated 26.08.2025 passed in CRM-M-45401-2025; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as concession of bail cannot be denied just as a measure of punishment and it is a trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

6. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

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(3)

7. 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.

13.11.2025

Geeta

(SUBHAS MEHLA)

JUDGE

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