



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

213

**CRM-M No.53623 of 2025 (O&M)**

**Date of Decision:26.09.2025**

**Harjinder Singh @ Happy**

**.....Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH**

**Present:** Mr.Sukhbir Maandi, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

**SURYA PARTAP SINGH, J. (Oral):**

For the commission of offence punishable under Sections 21 & 27-A of NDPS Act 1985 (Sections 29, 61, 85 of NDPS Act have been added lateron), FIR No.36 dated 04.08.2025, has been lodged in Police Station Mattewal, District Amritsar (Rural). The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, he has filed the present petition for the benefit of bail. This is first petition under Section 483 of BNSS for grant of bail.

2. In nutshell, the facts emerging from the record are that the FIR of this case came into being in response to a chance recovery of 8 grams of heroin from the possession of accused. According to prosecution on 04.08.2025, when ASI Mandeep Singh, was heading a team of police officials for patrolling duty, he spotted a bare footed person on the bank of drain, who when noticed the presence of police party picked up a polythene bag from the right pocket of



his trouser and threw it away. According to prosecution the abovesaid person was apprehended and the contents of polythene bag were examined. As per prosecution on examination it was found that he was carrying 8 grams of heroin.

3. Notice of motion.

4. Since advance notice has already been served, Mr. K.D. Sachdeva, DAG Punjab, appears on behalf of respondent-State, and waives service.

5. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. However, no formal reply has been filed by the State and learned State counsel has opted to oppose the present petition orally.

6. Heard.

7. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in this case and that no independent witness has been joined. As per learned counsel for the petitioner, the petitioner has already suffered sufficient incarceration for being in custody for a period of 1 month and 20 days, and that the trial is not likely to be concluded in near future.

8. It has also been argued by learned counsel for the petitioner that petitioner has no criminal history. According to learned counsel for the petitioner nothing is left to be recovered from the possession of the petitioner and that release of the petitioner on bail is not likely to cause any prejudice to the prosecution case.



9. Per contra, the learned State counsel has argued that, in fact, the quantity recovered from the possession of petitioner is above the threshold fixed for small quantity and the maximum imprisonment prescribed for the commission of offence is 10 years. According to learned State counsel, the petitioner was found in possession of contraband and therefore, he is not entitled for the benefit of bail.

9. The record has been perused carefully.

10. A careful perusal of record shows that in the present case there are several factors which are required to be taken into consideration, for the decision of instant bail petition. They are as under:-

- i) that the petitioner has no criminal history/antecedents;
- ii) that the contraband recovered from the possession of petitioner is just above the highest limit fixed for small quantity, i.e. 5 gram;
- iii) that nothing is left to be recovered from the possession of the petitioner;
- iv) that the petitioner has already suffered sufficient incarceration for being in custody for a period of 1 month and 20 days;
- v) that the investigation and trial is not likely to be concluded in near future;
- vi) that detention of the petitioner behind the bar is not likely to serve any purpose;
- vii) that there is nothing on record to show that if released on bail, the petitioner is likely to tamper with the evidence, or influence the witnesses.



11. Taking into consideration the cumulative effect of all the aforesaid factors, it is hereby held that the petitioner is entitled for the concession of bail and the present petition deserves to be allowed.

12. Thus, the present petition is hereby allowed, accordingly and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of the learned trial Court.

13. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(SURYA PARTAP SINGH)  
JUDGE

26.09.2025  
Manoj Bhutani

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |