

2025:PHHC:043201



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

305

CRM-M-56631-2024 (O&M)
Date of decision: 01.04.2025

Harwinder Singh @ Raja**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Manpreet Singh Dhaliwal, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of regular bail to the petitioner in FIR No. 0056 dated 25.08.2024, registered under Sections 18 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Thulliwal, District Barnala.

2. Brief facts of the case relevant for the disposal of the present petition are that on 25.08.2024, on the basis of a secret information, the petitioner, while sitting in a Fortuner car bearing registration number DL-4C-NE-4610, was apprehended by a police party headed by ASI Jaswinder Singh and recovery of 745 grams of opium, was effected from him. He was formally arrested at the spot. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences. He had

2025:PHHC:043201



moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 22.10.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case on account of a dispute with some police officials as he has been fighting against them for common cause. The alleged contraband was in fact planted upon him. Although, he has been falsely implicated in five other cases of similar nature, however, out of such cases, he stands acquitted in one case and in other four cases, he is on bail. It is further submitted that there is nothing on record to connect the petitioner with the subject crime. Even otherwise, the quantity of recovered contraband does not fall under the commercial quantity. Investigation has since been concluded and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 25.08.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was nabbed at the spot and recovery of 745 grams of opium was effected from him. He is involved in four more cases of similar nature. Trial is going on at a proper pace. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have been apprehended on

2025:PHHC:043201



25.08.2024 along with 745 grams of opium. Admittedly, the quantity of the recovered contraband does not fall within the ambit of commercial quantity. The petitioner is shown to be involved in some other cases but he is on bail in those cases. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. The petitioner is in custody since 25.08.2024. Keeping in view the aforesaid facts and circumstances and the period of incarceration of the petitioner, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

01.04.2025
Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No