

2025:PHHC:129130



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

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CRM-M-57061-2024 (O&M)
Date of Decision: 17.09.2025

LOVEPREET SINGH @ LOVE

... Petitioner

VERSUS

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE H.S. GREWAL.

Present: Mr. Anmoldeep Singh, Advocate
for the petitioner.

Mr. Rishabh Singla, AAG, Punjab.

H.S. GREWAL, J. (ORAL)

CRM-45332-2024

Allowed as prayed for.

MAIN CASE

This petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.338 dated 01.11.2023 under Sections 21(c), 25, and 29-61-85 of NDPS Act, 1985 registered at Police Station STF Wing, District S.A.S. Nagar, Mohali.

2. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case in hand and even the mandatory provisions have not been complied with. He further submits that the petitioner and the co-accused were arrested after 1.300 Kgs of heroin was recovered from a vehicle i.e. Car

namely Cruise bearing Registration No.PB-08BP-3000. The present petitioner is stated to be standing outside the vehicle whereas the co-accused was sitting inside the vehicle. The car in question belongs to co-accused Jabru and no recovery was effected from the present petitioner. Counsel thus prays for allowing the present petition and granting the benefit of regular bail to the petitioner.

3. Mr. Rishab Singla, AAG, Punjab has filed the custody certificate dated 16.09.2025 in the Court today, which is taken on record. As per custody certificate, the petitioner is in custody for the last 01 year 10 months and 10 days. The case of prosecution is that the contraband was recovered from the accused persons on the basis of secret information and accordingly, the accused including the petitioner were arrested in the present case. All necessary formalities are said to have been completed and there is a strong *prima facie* case against the petitioner. In case the petitioner is released on bail, there is every apprehension that he would induce or influence the prosecution witnesses. Besides, the possibility of the petitioner being absconded also cannot be ruled out. Hence, the learned State Counsel prayed for dismissal of the application.

4. I have heard the learned counsel for the parties and perused the record.

5. On the asking of Court, learned State Counsel could not dispute that the petitioner is not involved in any other case under NDPS Act. Moreover, he has undergone custody for a period of 01 year, 10 months and 10 days. He also could not explain that as how the petitioner, who is stated to have been standing outside the car, can be said to be in conscious possession of contraband. Moreover, out of 23 cited prosecution witnesses, the prosecution has examined 14 witnesses only

and 09 witnesses still remain to be examined. Thus, it can be said that the trial of the case might take some long time to conclude. As such, no useful purpose would be served by detaining the petitioner behind bars any longer.

6. Keeping in view the facts and circumstances of the case and the fact that there despite the custody of more than one year and ten months, the prosecution is not able to conclude the trial, this Court is of the opinion that the petitioner deserves concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous detention of the petitioner would not serve the ends of justice, this Court deems it a fit case to grant the concession of regular bail to the petitioner during the pendency of the trial.

7. 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 bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. It is clarified that if while on bail, so granted through the instant order, the petitioner is found indulging in any other criminal case, it shall be open to the State to seek cancellation of his bail.

9. Pending applications, if any, shall also stand disposed of.

SEPT. 05, 2025.

Rajender

**(H.S. GREWAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No