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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 58545-2024
Date of decision:-21.01.2025

JASWANT SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. C.S. Sharma, Advocate, for the petitioner.

Mr. Ramendra Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Reply filed in the Registry by way of an affidavit dated 10.12.2024 of Deputy Superintendent of Police, Ambala, District Ambala is taken on record, copy supplied to the counsel opposite.

2. Learned State counsel has filed custody certificate dated 19.01.2025, the same is taken on record, copy thereof has been supplied to the counsel opposite.

3. The instant petition has been preferred by the petitioner under Section 483 of Bharitiya Nagarik Suraksha Sanhita 2023, for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
370	02.09.2024	21, 29 of NDPS Act	Ambala, Cantt, District Ambala, Haryana

4. Arguments heard.



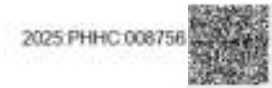
5. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is alleged to have kept in his possession 10 gram 52 mg of Heroin when apprehended by the police, which is manifestly wrong. He contends that petitioner is in custody since 02.09.2024, after completion of investigation, challan has been presented in Court and it will take sufficient long time for the prosecution to conclude the trial. He contends that the petitioner is not having any criminal antecedents. Hence he prays for grant of regular bail to the petitioner.

6. *Per contra*, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the recovery of contraband has been effected from the possession of the petitioner, as such he does not deserve concession of bail.

7. After going through the respective submissions and perusing the record, it is observed that on 02.09.2024 the police party headed by ASI Satyawan had apprehended the petitioner on the basis of secret information and from his possession 10 gram 52 mg of heroin was recovered, accordingly the petitioner was arrested on 02.09.2024.

8. After completion of investigation, challan has already been presented in Court and conclusion of trial will take sufficient long time. Admittedly the petitioner is not having any criminal antecedents. The alleged recovery falls within the intermediate quantity and is not hit by Section 37 of the NDPS Act.

9. In these circumstances, without commenting on the merits of the



case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

10. It is further made clear that in case the petitioner is found involved in any case under the NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with the law.

11. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

21.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |