

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

258

CRM-M-65211-2024 (O&M)
Date of Decision:- 24.02.2025

JASWINDER SINGH ALIAS SUNNY ALIAS SONI

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

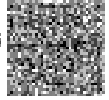
Present : Mr. S.S. Gill, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 22.02.2025 filed in the form of an affidavit of Deputy Superintendent of Police, Sub-Division Ahmedgarh, District Malerkotla is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
101	04.11.2024	21 of the NDPS Act	Sadar Ahmedgarh, District Malerkotla

4. It is, *inter alia*, contended by learned counsel for the petitioner



that the petitioner is innocent and has been falsely implicated in this case. He contends that the alleged recovery effected from the petitioner is 10 grams of heroin, which is non-commercial quantity. He further contends that no recovery is to be effected from the petitioner and the petitioner is in custody since 04.11.2024 and after the completion of investigation, challan has already been presented in Court and the conclusion of trial will take sufficient long time, thus, prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner was apprehended by the Police and from his conscious possession 10 grams of heroin was recovered, therefore, he does not deserve the concession of bail. He has however not disputed that the challan has been presented in Court and the trial is now pending for framing of charges.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on 04.11.2024, the police party apprehended the petitioner and from his conscious possession, allegedly 10 grams of heroin was recovered, which falls within the purview of non-commercial quantity. Investigation of the case was carried out and thereafter, challan was presented in the Court on 03.01.2025, where it is pending for framing of charges. The petitioner is in custody since 04.11.2024 and in this manner, the conclusion of trial, to ascertain the criminal liability, if any, of the petitioner, will take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner

any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

8. It is further made clear that in case the petitioner is found involved in any case under 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 law.

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

(SANJIV BERRY)
JUDGE

24.02.2025
S.Sharma(syr)

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