



CRM-M-65320-2025

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

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Sameer

...Petitioner

V/s

Union, Territory, Chandigarh

...Respondent

Date of decision: 27.11.2025**Date of Uploading : 28.11.2025****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Zorawar S. Chauhan, Advocate for the petitioner.

Mr. Manish Bansal, PP, U.T. Chandigarh.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 BNSS for grant of regular bail to the petitioner in case bearing FIR No.0017 dated 05.08.2025, registered for the offences punishable under Section 21 of the NDPS Act, Section 29 of NDPS Act (added later on) at Police Station Crime, Union Territory, Chandigarh.

2. The gravamen of the FIR in question reflects that on 05.08.2025, the Police party was on crime control and prevention patrolling. As per the secret information, a lady namely Pooja was engaged in selling of Narcotics. Thereafter, the said lady was apprehended by the Police from the back side of showroom Sector 38-D, Chandigarh. On suspicion, her search was conducted in the presence of the Gazetted Officer and found 54 grams of cocaine in the right pocket of her plazo. Furthermore, on her disclosure statement on 06.08.2025, petitioner was arrested and 58.22 grams

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Sector 25, Chandigarh. Thereafter, on 07.08.2025, another co-accused Mohd. Juned was arrested which led to arrest of other co-accused persons namely Nihal Singh on 12.08.2025 from whom recovery of 36.04 grams of Heroin was effected. Furthermore, two more accused Sahibjeet Singh @ Sabhu and Amritpal Singh @ Gopi were arrested and 535 grams and 23.19 grams of Heroin was recovered from their possession respectively.

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 06.08.2025. Learned counsel has urged that, as per the prosecution version available at this juncture, 58.22 grams of cocaine and 9.43 grams of Heroin was recovered from the present petitioner. Learned counsel has further submitted that, as per the instructions received by him, the relevant FSL report has been received which reflects that no cocaine has been recovered from the petitioner and he is stated to be in possession of 9.43 grams of Heroin only. In this regard, learned counsel has drawn the attention of this Court to paragraph 5 of the order dated 07.11.2025 whereby the plea for regular petition by the present petitioner Sameer was rejected. Learned counsel has further urged that the petitioner has clean antecedents. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned counsel appearing for the U.T. Chandigarh has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned counsel seeks to place on record custody certificate dated 26.11.2025, in Court, which is taken on record.

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5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 06.08.2025. The culmination of the investigation as also trial emanating therefrom, in case occasion so arise, will take long time. It is not dispute before this Court that the contraband alleged to be recovered from the petitioner does not contain any cocaine and only 9.43 grams of Heroin has been recovered. In view of this, the rigours of Section 37 of the NDPS Act would not apply. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 26.11.2025 filed by learned counsel for the U.T. Chandigarh, the petitioner has already suffered incarceration for a period of around 03 months and 19 days.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.

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- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

November 27, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No