



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

243

**CRM-M No.68217 of 2025
Date of decision : 9.12.2025
Date of uploading : 9.12.2025**

Mohd. Juned @ Mohd. Junaid**Petitioner**
Versus
Union Territory, Chandigarh**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

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

Mr. Manish Bansal, PP, UT, Chandigarh with
Mr. Shaurya Nagpal, Advocate

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.17 dated 5.8.2025, 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 of cocaine and 9.43 grams of Heroin were recovered from Jungle Area, 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 7.8.2025. Learned counsel has submitted that, as per the prosecution version available at this juncture, recovery of 40.90 grams of heroin is stated to have been effected from the petitioner. Learned counsel has further submitted that the petitioner is a man with clean antecedents. Learned counsel has further argued that the petitioner has been falsely implicated into the FIR in question. In this view of the matter, learned counsel for the petitioner has prayed for grant of regular bail to the petitioner.

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 8.12.2025, in Court, which is taken on



record.

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 7.8.2025. The culmination of the investigation as also trial emanating therefrom, in case occasion so arise, will take long time. It is not disputed before this Court that the contraband alleged to have been recovered from the petitioner is 40.90 grams of Heroin, which is non-commercial in nature. In view of this, the rigors of Section 37 of the NDPS Act would not apply. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. 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 8.12.2025 filed by learned counsel for the U.T. Chandigarh, the petitioner has already suffered incarceration for a period of around 4 months and 2 days & is not shown to be involved in any other case.

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.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone 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.
- (viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

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.

(SUMEET GOEL)
JUDGE

9.12.2025
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No