



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-71443-2025
Decided on : 23.12.2025

Ajay Kumar alias Ajay . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Arora, Advocate,
for the petitioner(s).

Mr. Jasdeep Singh, Addl. AG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Ajay Kumar alias Ajay	71	09.05.2025	21, 29 of NDPS Act, 1985 [S. 27-A of NDPS Act, 1985 & S. 25 of Arms Act, 1959, added later on]	Division No.1	Jalandhar

2. As per case of the prosecution, when police party was on routine patrolling, petitioner being a clean shaven person was noticed coming and on seeing the police party, he became nervous and tried to flee from the spot, while taking out a polythene envelope from the pocket of his lower jacket. And after apprehending the petitioner Ajay Kumar @ Ajay, from the polythene envelope 15 grams of heroin was recovered.



3. Learned counsel for the petitioner contends that a false case has been planted against the petitioner. Moreover, recovered quantity of 15 grams of heroin, is much less to the commercial quantity, i.e., more than 250 grams. Petitioner is inside jail for the last about 07 months and the investigation has already been completed, however, conclusion of trial is likely to consume considerable time.

Further submits that petitioner though was earlier involved in one case under the NDPS Act, however, he has already been acquitted in the said case, i.e., FIR No. 97, dated 07.07.2016, registered at P.S. Division No.1, Jalandhar. Thus, as of now, there is no other case pending against the petitioner under the NDPS Act. Accordingly, learned counsel prays for the grant of concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the custody certificate dated 22.12.2025 in Court today, which is taken on record. Office to tag the same at the appropriate place. A copy thereof has been supplied to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that acquittal of the petitioner in other NDPS case may be due to some technical reason. However, merely on being acquitted in the said case, it cannot be assumed that the antecedents of the petitioner are clean. However, other factual aspects, such as petitioner is inside jail for a period of about 07 months (06 months & 23 days) and that the process of recording of statement of prosecution witnesses is yet to start, are not in dispute.

6. I have heard learned counsel for the parties and perused the



material available on record.

7. Admittedly, the recovery attributed to the petitioner is of 15 grams of heroin, which falls within the category of non-commercial quantity. It is also not in dispute that the petitioner has been in custody since 09.05.2025, i.e., for a period of about seven months, and the investigation in the present case already stands completed. Further, the process of recording of prosecution evidence is yet to commence and, in the given circumstances, the conclusion of trial is likely to take considerable time.

As regards the objection raised by learned State counsel with respect to the previous involvement of the petitioner under the NDPS Act, it is a matter of record that the petitioner has already been acquitted in the said case and, as of now, no other criminal case under the NDPS Act is pending against him. Mere apprehension that the acquittal may have been on technical grounds, without anything further on record, cannot by itself be a sufficient ground to deny the concession of bail, particularly when the present recovery is of non-commercial quantity.

Taking into consideration the totality of facts and circumstances, including the nature of recovery, the period of incarceration already undergone by the petitioner, and the likelihood of delay in the conclusion of trial, this Court is of the considered view that further detention of the petitioner behind bars would not serve any useful purpose. Accordingly, without expressing any opinion on the merits of the case, the petitioner deserves the concession of regular bail.

Consequently, prayer made in the present petition is **allowed**.

Petitioner is ordered to be released on bail, subject to his furnishing



bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

8. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

9. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

10. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

11. Petition stands **disposed of**.

Pending crl. misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

December 23, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No