



CRM-M-71628-2025 (O&M) 1

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

254

CRM-M-71628-2025 (O&M)

Date of decision: 23.12.2025

Harpal Masih @ Harry

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Ms. Arti Kaur, Advocate for the petitioner

Mr. Jasjit Singh, DAG, Punjab

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 BNSS is for grant of regular bail to the petitioner in case FIR No.95 dated 07.05.2025, registered under Sections 21 and 29 of NDPS Act at Police Station City Nawanshahr, District SBS Nagar.

2. Learned counsel contends that the petitioner, 26 year old, has been in custody for 7 months and 12 days. Allegedly the recovery of contraband was effected from a bag placed between the rider and the petitioner-pillion rider of 260 grams of heroin, it being marginally above the non-commercial quantity jointly from both. It is debatable whether he was in conscious possession thereof. No independent witness was joined. There is non-compliance of mandatory provisions of Section 50 of NDPS Act. Charges have been framed on 26.11.2025 and out of total 14 prosecution witnesses, only 01 has been examined. The petitioner is not involved in any other case.

3. The custody certificate dated 22.12.2025, filed by the learned State



CRM-M-71628-2025 (O&M) 2

counsel is taken on record. As per the same, the petitioner is behind bars for 8 months and 20 days.

4. Learned State counsel opposes the bail on the ground that there are specific allegations against the petitioner, from whom the commercial quantity of contraband was recovered when he was apprehended at the spot. However, he is unable to controvert the submissions with regard to the stage of the case and the petitioner not being involved in other case.

5. Heard.

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for 7 months and 12 days; not involved in any other case; charges were framed on 26.11.2025, however out of 14 prosecution witnesses, only 01 has been examined, the trial is likely to take a considerable time; further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India and the rigors of Section 37 of the NDPS Act can be diluted bearing in mind the right to a speedy trial, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of



which he is suspected of.

- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

(AMAN CHAUDHARY)
JUDGE

23.12.2025
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Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No