



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

Sr. No.219

CRM-M-18694-2026
Date of Decision: 12.05.2026

HARJINDER SINGH @ JINDER**...Petitioner****Versus****STATE OF PUNJAB****....Respondent****CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

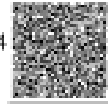
Present:- Mr. V.K. Kaushal, Advocate and
Ms. Saroj Kumari, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of BNSS (Section 439 Cr.P.C.) for grant of Regular Bail to the Petitioner in case FIR No. 153 dated 25.09.2025 under Sections 21, 27(a) of the Narcotic Drugs & Psychotropic Substances Act, 1985 (offence under Section 29/61/85 of NDPS ACT added later on) registered at Police Station Chattiwind, District Amritsar Rural, Amritsar (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. It has been further contended that the alleged contraband recovered from the possession of the petitioner i.e. 08 grams of heroin falls within the category of intermediate quantity. It has been further averred that the petitioner is in custody since 25.09.2025 and no useful purpose would be served by keeping the petitioner behind the bars.



3. On the other hand, learned State counsel has filed the custody certificate of the petitioner today in Court, which is taken on record. He has opposed the bail petition on the ground that 08 grams of heroin along with Rs.300/- as drug money was recovered from the conscious possession of the petitioner. He further submits that the petitioner is a habitual offender as he is involved in two other criminal cases.

4. I have heard learned counsel for the parties and have gone through the record.

5. Admittedly, the petitioner is in custody for the last 07 months and 15 days; the alleged contraband recovered from the petitioner falls within the category of intermediate quantity. Furthermore, the conclusion of the trial will take considerable time for which the petitioner cannot be detained behind the bars for an indefinite period.

6. As regards the submission of learned State counsel that petitioner is involved in two other criminal cases, reference is placed upon the judgment of the Hon'ble Supreme Court in '***Maulana Mohd. Amir Rashadi Vs. State of U.P. and another***', 2012 (2) SCC 382 in which, it is held that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in other/another cases). The relevant portion of the said judgment is reproduced hereinbelow:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

7. Regarding recovery of Rs.300/- as drug money from the petitioner, *prima facie* there is no evidence to link the present amount as drug money. It has been held by a Coordinate Bench of this Court in ‘*Parveen @ Raman vs. State of Punjab*’, CRM-M-48691-2024 decided on 18.10.2024.

“14. At the stage of invocation of Section 27A, there was no prima facie evidence of financing, directly or indirectly. Thus, the rigors of Section 37 of the NDPS Act shall also not attract.”

8. In view of the above and without expressing any opinion on the merits of the case, this Court is of the considered view that the petitioner has made out a case for grant of regular bail.

9. Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate bail and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

10. However, it is made clear that nothing stated hereinabove shall be construed as an expression on the merits of the case.

11. All pending miscellaneous application(s), if any, stands disposed of.

12.05.2026
Anu

(MANDEEP PANNU)
JUDGE

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