



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

**CRM-M No.25882 of 2026
Date of decision: 13.05.2026**

Harjit Singh @ Jeeta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Anmol Jeevan S. Gill, Advocate
for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG, Punjab
for the respondent-State.

MANDEEP PANNU, J. (Oral)

1. This is the first petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 439 Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.13 dated 24.01.2026 under Sections 21-B, 27-A and 29/61/85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Chheharta, District Amritsar.

2. Learned counsel for the petitioner contends that the petitioner has been falsely implicated and the alleged recovery is a case of chance recovery effected in violation of Section 50 of the NDPS Act. It is further contended that no independent witness was joined, the alleged contraband was weighed along with the envelope, and the alleged recovery, i.e 51 grams heroin, is below commercial quantity. Learned counsel also contends that the petitioner has been in custody since 24.01.2026 and the



investigation has been completed and the trial is likely to take time. 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 the Court, which is taken on the record. He has opposed the bail petition on the ground that 51 grams of heroin 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 03 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 the petitioner is involved in other 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. In view of 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.

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

9. All pending applications, if any, also stand disposed of.

10. However, nothing observed herein shall be construed as an expression on the merits of the case.

(MANDEEP PANNU)
JUDGE

13.05.2026
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No