

CRM-M-46433-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-46433-2025
Decided on : 26.02.2026

Aman Kumar @ Bhola

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Vipin Mahajan, Sr. Advocate with
Mr. Utkrant Mahajan, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG 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 hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Aman Kumar @ Bhola, aged 25 years	62	26.02.2025	21-C, 27A, 29 of NDPS Act and Section 111 of BNS, 2023	Civil Lines Batala	Gurdaspur, Punjab

2. The instant case was registered on 26.02.2025, following the recovery of 257 grams of Heroin from possession of the petitioner, while he was on foot.

3. Learned senior counsel for the petitioner contends that though weight of Heroin recovered from the petitioner is recorded as 257 grams but same is inclusive the weight of polythene bag, containing said Heroin in it. Thus, it would



be a moot question during the course of trial as to whether the actual weight of Heroin exceeds 250 grams or was less. He further submits that slight variation in the final result of the weight of the recovered polythene containing Heroin, would significantly affect the final outcome of the trial, especially, if the petitioner is convicted for involving a commercial quantity or non-commercial quantity.

4. Petitioner is inside jail for the last more a period of one year and is found involved in the following criminal cases:

- i) *FIR No. 166 dated 24.06.2024 U/s 21, 22 NDPS Act, P.S Civil Line Batala, District Gurdaspur, Punjab.*
- ii) *FIR No. 283 dated 19.10.2024 U/s 21, 29 NDPS Act, P.S Civil Lines Batala, District Gurdaspur, Punjab.*
- iii) *FIR No. 37 Dated 07.02.2025 U/S 21, 29 Of NDPS Act, P.S Civil Line Batala, District Gurdaspur, Punjab.*
- iv) *FIR No. 335/2023 U/s 21, 29 NDPS Act, P.S Civil Line Batala, District Gurdaspur, Punjab.*
- v) *FIR No. 79/22 U/s 324 IPC, P.S Civil Lines, Batala, District Gurdaspur, Punjab.*

5. In regard to the same, counsel contends that petitioner has been acquitted in the cases mentioned at serial No. i), ii) and iv) and in serial No. iii) the petitioner has already been granted bail, in which there was recovery of small quantity of the Heroin. Additionally, he also informed that though he is not in possession of final judgment, however, as per instructions received by him, the petitioner has been acquitted in case at serial No. v) also. He further submits that out of total 15 prosecution witnesses, none has been examined till date.

6. Learned State counsel is not in a position to rebut the said contention, which has been addressed by learned counsel for the the petitioner in regard to the

other cases registered against him.

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7. This Court has heard the submissions addressed by learned counsel for the parties and has carefully perused the record available before it.

8. Considering the circumstances in its entirety, this Court is of the considered view that further incarceration of the petitioner would not serve any useful purpose.

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.

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

10. 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.

11. 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.

12. Petition stands disposed of.

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

February 26, 2026*reena*

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

(SANJAY VASHISTH)
JUDGE