



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

121

CRM-M-72696-2025
Decided on : 06.03.2026

Rinku

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gagandeep Singh Bajwa, Advocate (through V.C.)
for the petitioner(s).

Mr. Neeraj Madaan, Sr. 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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Rinku	70	25.05.2025	21-B, 27-A of NDPS Act, 1985 [S. 29 of NDPS Act, added later on]	Sultanwind	Amritsar

2. As per the case of the prosecution, a police party, while on patrolling duty, apprehended one Sewa Singh on the spot, who was carrying a polythene bag in his left hand containing 47.95 grams of heroin, along with a cash amount of ₹1,700/-. After his arrest, he disclosed the name of the present petitioner – Rinku. Thereafter, when the petitioner was arrested, 08.24 grams of heroin was allegedly recovered from his possession.

3. Learned counsel for the petitioner submits that the petitioner is



in custody since 30.06.2025 and has been falsely implicated in the present case. It is further submitted that the alleged quantity of heroin recovered from the petitioner is only marginally above the small quantity and far below the threshold of commercial quantity, i.e., 250 grams of heroin, as prescribed under the NDPS Act.

It is further argued that the petitioner was already known to the police party on account of his alleged involvement in other cases and, therefore, he once again has been falsely implicated in the present case. Except for the disclosure statement of the co-accused Sewa Singh, there is no other substantive evidence available with the prosecution to connect the petitioner with the alleged crime.

Additionally, learned counsel submits that after the alleged disclosure statement made by the co-accused Sewa Singh, none of the statutory provisions envisaged under the NDPS Act, such as compliance of Sections 42 and 50 or independent verification of the investigation qua the role of the petitioner, were complied with. Therefore, it is argued that the entire proceedings are not sustainable in the eyes of law. On these grounds, prayer has been made for grant of the concession of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed the status report and custody certificate dated 05.03.2026 in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

Copies thereof have been handed over to the counsel for the petitioner.



5. Learned State counsel, while vehemently opposing the prayer for bail, submits that keeping in view the nature and gravity of the allegations as well as the role attributed to the petitioner, he does not deserve the concession of bail. It is further submitted that the petitioner is involved in other criminal cases and, therefore, there is every likelihood that in case he is released on bail, he may again indulge in similar activities. In support of his submissions, learned State counsel refers to paragraph No.12 of the status report. However, the other factual assertions, as noticed here-above, have not been disputed by learned State counsel.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. Admittedly, the petitioner is in custody since 30.06.2025. The alleged quantity of heroin recovered from the petitioner is only 08.24 grams, which is slightly above the small quantity and far below the commercial quantity prescribed under the NDPS Act. It is also noticeable that the petitioner has been implicated in the present case primarily on the basis of the disclosure statement made by the co-accused Sewa Singh.

Without expressing any opinion on the merits of the case, and considering the incarceration period already undergone inside jail by the petitioner as well as the fact that the quantity involved, does not fall under the category of commercial quantity, this Court is of the considered view that further incarceration of the petitioner would not serve any useful purpose.

Therefore, in view of the totality of the circumstances, this Court deems it appropriate to extend the concession of regular bail to the



petitioner.

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**.

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

(SANJAY VASHISTH)
JUDGE

March 06, 2026

J.Ram

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