

**CRM-M-46223-2025**

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

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CRM-M-46223-2025**Date of decision: 27.08.2025**

Robanpreet Singh @Chiri

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Ms. Preety, Advocate for the petitioner.

SURYA PARTAP SINGH, J.

1. This is a petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking for regular bail in a case arising out of FIR No.84 dated 23.12.2024 under Sections 21, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as 'NDPS'), Police Station Qadian, District Batala. The application for bail filed by the petitioner before the Court of learned Special Court, Gurdaspur has been dismissed vide order dated 07.02.2025.

2. Notice of motion.

3. Mr. Rohit Bansal, Sr. DAG, Punjab appears on behalf of the respondent-State, and waives service. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

4. Allegations against the petitioner in this case are that the recovery of 15 gms of heroin was effected from his possession. According to

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prosecution on 22.12.2024, when a police party headed by ASI Mangal Singh was on patrolling duty, it spotted a person, who was carrying a transparent envelope. When the abovesaid person was intercepted and his search was conducted, it was found that he was carrying 15 gms of heroin in the abovesaid packet.

5. Heard.

6. It has been argued on behalf of petitioner that the petitioner is already in custody for a period of more than 7 months and that trial is not likely to be concluded in near future. According to learned counsel for the petitioner, the petitioner is entitled for the benefit of bail.

7. Learned State Counsel has controverted the abovementioned arguments on the ground that the petitioner does not have clean antecedents and that he has already been convicted for the commission of offence punishable under Sections 21 and 29 of NDPS Act. He has further argued that custody of the petitioner is also warranted in other three cases, wherein, production warrants have been issued against him.

8. The record has been perused carefully.

9. On perusal of record, it is revealed that following are the relevant factors which are required to be taken into consideration for the decision of instant application:-

- a. that the petitioner has already suffered sufficient incarceration for being in custody for a period of 7 months, as per custody certificate;
- b. that nothing is left to be recovered from the possession of the petitioner;
- c. that investigation in this case is already complete;

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- d. that trial in this case is not likely to be concluded in near future;
- e. that detaining of petitioner in judicial lock-up is not likely to serve any purpose;
- f. that the quantity of contraband recovered from the possession of the petitioner is little about maximum quantity prescribed for small quantity and only a fraction of minimum commercial quantity;
- g. that rigors of Section 37 of NDPS Act are not attracted in this case; and
- h. that there are certain arguable points with regard to manner in which search of the petitioner, and investigation in this case have been conducted;

10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, the present petition is hereby allowed and the petitioner is admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court.

(SURYA PARTAP SINGH)
JUDGE

AUGUST 27, 2025*Gaurav Thakur*

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No