



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

240

CRM-M-26860 of 2025 (O&M)

Date of decision : 21.05.2025

Harpal Singh @ Kaka

... Petitioner

Versus

State of Punjab

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S. GREWAL

Present:- Mr. Kushagra Mahajan, Advocate
for the petitioner.

H.S. Grewal, J. (Oral)

1. This is a petition for regular bail filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) in case bearing FIR No.7 dated 08.03.2025 under Sections 21 ,27-A and 29 of NDPS Act, 1985 registered at Police Station Mattewal, District Amritsar Rural.

2. The case of the prosecution is that while patrolling on a private vehicle, the police party apprehended two persons approaching on foot and the co-accused of the petitioner threw a translucent polythene bag containing a heavy object from the left pocket of his tracksuit lower and was apprehended. The co-accused of the petitioner namely, Jobanjeet Singh @ Joban who had thrown the contraband was stated to be in possession of 04 grams of heroin and Rs.600 were recovered from the present petitioner-Harpal Singh.

3. Notice of motion.



4. Mr. Gautam Thapar, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Learned counsel for the petitioner contends that the alleged recovery of the contraband from his co-accused falls under the category of small quantity. He further contends that the State is yet to prove his case that the petitioner was in knowledge of the contraband being carried by the co-accused. He further contends that the petitioner has been in custody for a period of 02 months and 12 days and the trial is yet to commence. He states that the petitioner has clean antecedents.

6. Learned counsel for the State vehemently opposes the grant of concession of regular bail by way of filing of custody certificate dated 20.05.2025. He does not refute the fact that the trial proceedings has not started yet.

7. I have heard learned counsel for the parties and have gone through the material placed on record.

8. Keeping in view the facts and circumstances of the present case, and the fact that custody period undergone by the petitioner in the present case is 02 months and 12 days and the trial has yet not commenced, the petitioner is not involved in any other case, therefore, no useful purpose would be served to further detain the petitioner in jail and since the conclusion of the trial is likely to take a long time and as such, further incarceration of the petitioner would not serve the ends of justice. Therefore, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

9. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is granted concession of



regular bail in the present case, on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/ Chief Judicial Magistrate concerned. The pending applications if any, also stand disposed of.

10. It is however, made clear that in case during his bail, the petitioner indulges in any offence, the State shall be at liberty to file an application for cancellation of bail of the petitioner.

21st May, 2025

Sonia Puri

**(H.S. GREWAL)
JUDGE**

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