



CRM-M-41657-2025

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

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**CRM-M-41657-2025
Decided on :11.09.2025**

Pawan Preet

. . . Petitioner(s)

Versus

State of U.T. Chandigarh

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhishek Joon, Advocate for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 439 of Cr.P.C., seeking regular bail in case FIR No.115 dated 28.07.2023, under Section 21 of NDPS Act (Sections 22/27A/29 of NDPS Act were added later on), registered at Police Station South Sector 34, Chandigarh.

2. Learned counsel for the petitioner contends that the petitioner has been in jail for a period exceeding two years under the allegation of joint recovery of 22.96 grams of heroin, which is classified as an intermediate quantity and is significantly less than the commercial quantity threshold of more than 250 grams. Counsel further submits that the petitioner is a young individual, aged 27 years, and is shown to be involved in three other cases, including two under the provisions of the NDPS Act. However, in none of these cases, any contraband has been

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recovered from the petitioner's possession, and also he is already on bail in those matters.

Mr. Abhishek Joon, Advocate, further submits that in the present case, the recovery was effected in a planned manner, as the contraband was allegedly lying in the dump station in Sector 45, Chandigarh. To effect the recovery, the petitioner was taken on remand, after which his disclosure statement was recorded and the recovery was made, which already was in the knowledge of the police.

Counsel emphasizes that case against the petitioner is primarily based on the disclosure statement of the co-accused. Additionally, there are total 34 prosecution witnesses, one of whom has been examined so far, and five witnesses have already been given up. Therefore, trial is likely to take considerable time. In the light of these circumstances, counsel prays for the grant of regular bail.

3. Learned counsel for the respondent/U.T. refers to the order dated 19.03.2025 (Annexure P-3), whereby the earlier bail petition bearing CRM-M-65287-2024 was disposed of as not pressed at that stage. The Court had observed that there was no substantial reason to grant bail to the petitioner at that time, given the nature and seriousness of the allegations. Learned counsel for respondent/U.T. submits that there has been no change in circumstances since the previous order that would warrant a reconsideration of the bail plea. Furthermore, it is contended that the petitioner continues to be implicated in multiple criminal cases, and the investigation is still ongoing. Granting bail at this stage, may



impede the progress of the investigation and trial. Accordingly, learned counsel prays for the dismissal of the present petition.

4. Having heard learned counsel for the parties and perused the record, including the order dated 19.03.2025 (Annexure P-3) passed by this Bench while considering the bail plea of the petitioner and co-accused, this Court, in light of the totality of circumstances, observes that petitioner is facing charges in connection with the recovery of 22.96 grams of heroin, which is below the commercial quantity threshold of 250 grams.; Petitioner's name has surfaced primarily on the basis of the disclosure statement made by the co-accused; and the fact that petitioner is in custody since 01.08.2023, having undergone incarceration for a period exceeding two years.

Without delving into the merits of the case or expressing any opinion on the factual contentions raised by learned counsel for the petitioner, this Court is of the view that, considering the nature of the offence, the quantity involved, and the period of incarceration already undergone, the petitioner is entitled to the concession of bail.

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.

5. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case.



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Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

6. Petition stands disposed of.

**(SANJAY VASHISTH)
JUDGE**

11.09.2025

Rashmi

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No