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

CRM-M-212-2024

Date of decision:-06.05.2025

HARPAL SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Bhavesh Aggarwal, Advocate for  
Mr. Ashish Aggarwal, Advocate for the petitioner.

Mr. Jatinder Pal Singh, AAG, Punjab.

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**SANJIV BERRY, J.(ORAL)**

The instant petition has been preferred by the petitioner under Section 439 Cr.P.C for grant of regular bail in the following case:-

FIR No.	Dated	Sections	Police Station
81	19.05.2023	21(c) of NDPS, Act	Sirhali, District Tarn Taran

2. Arguments heard.

3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that as per the allegations, petitioner was apprehended on the basis of suspicion and on checking, alleged recovery of 270 grams of heroin was effected from him. He contends that the alleged recovery of contraband is marginally above the non commercial quantity. He contends that petitioner was arrested on 19.05.2023, since then he is in custody, after completion of



investigation, challan has already been presented in Court wherein prosecution has cited 13 witnesses but till date none has been examined. He contends that the petitioner is not having any criminal antecedents. Hence prayed for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State, has assailed these arguments by submitting that 270 grams of heroin was recovered from the conscious possession of the petitioner, which falls within the purview of commercial quantity, as such, he does not deserve concession of bail. However, he has not denied the fact that after completion of investigation challan has been presented for trial, wherein prosecution has cited 13 witnesses and till date none of them have been examined.

5. After considering the rival contentions and perusing the record, it transpires that during patrolling, police party apprehend the petitioner and on search, recovery of 270 gram of heroin was effected from him. Consequently, the petitioner was arrested on 19.05.2023, after completion of investigation, challan has already been presented in Court wherein prosecution has cited 13 witnesses and till date none of them have been examined. Admittedly, the recovery effected from the petitioner is marginally higher than the non commercial quantity. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time. Therefore, considering the slow pace with which the trial is proceeding, as well as the custody period of the petitioner and also the fact the recovered contraband allegedly effected from the petitioner is marginally



higher than the non commercial quantity, this case is deemed fit where rigor of Section 37 of the NDPS Act could be diluted, as such, no purpose would be served by detaining the petitioner any longer.

6. Resultantly, in these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioner is found involved in any other case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending application(s) if any shall also stand disposed of.

**(SANJIV BERRY)**  
**JUDGE**

**06.05.2025**

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| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |