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

CRM-M-28814-2025

Date of Decision:28.05.2025

HARPREET SINGH ALIAS HAPPY

...PETITIONER

VS.

UT OF CHANDIGARH

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Vivek Kathuria, Advocate
for the petitioner.

Mr. Rahul Arora, Additional Public Prosecutor, U.T. Chandigarh.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS with a prayer to grant regular bail to him in case FIR No.120 dated 15.10.2023, registered under Section 21 of NDPS Act 1985, (Sections 22 & 29 NDPS Act, 1985 added later on), Police Station Manimajra, Chandigarh.

2. As per prosecution version, on the basis of suspicion, the petitioner was apprehended by the police party at the spot 53.60 grams of heroin was recovered from his conscious possession on 15.10.2023, which is marginally above commercial quantity.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case and no recovery was effected from him. The petitioner is in custody since 15.10.2023 and the final report under



Section 173 Cr.P.C. has already been presented against him. Trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that he may be released on regular bail. In support of his contentions, learned counsel for the petitioner has relied upon judgments in (i) CRM-M-37684-2021, **Balwinder Singh vs. State of Punjab**, decided on 14.02.2022; (ii) CRM-M-8212-2022, **Tajinder Singh vs. State of Punjab**, decided on 03.03.2022 and (iii) CRM-M-35186-2016, **Manjit Kaur @ Jeeto vs. State of Punjab**, decided on 01.12.2016.

4. On the other hand, learned counsel for the State vehemently opposed the submissions made by learned counsel for the petitioner. However, he fairly conceded the fact that petitioner is not involved in any other criminal activity.

5. Keeping in view the facts and circumstances of the case, custody period of the petitioner and also the fact that the quantity of alleged contraband is marginally above the 'commercial quantity', but without commenting on merits of the case, I am of the considered view that the petitioner deserves the concession of regular bail.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.05.2025
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(N.S. SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No