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

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**CRM-M-21092-2025 (O&M)  
Date of decision: 26.05.2025**

**Jobanpreet Singh @ Joban****...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Hitesh Chopra, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 28 dated 07.03.2025, registered under Sections 21, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Batala, District Gurdaspur.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.03.2025, the petitioner was apprehended by the police party and recovery of 04 grams of heroin was effected from him. Upon interrogation, he disclosed that he had purchased 10 grams of heroin from one Gurbhej Singh @ Vishal, out of which, some amount of the contraband was consumed by him and some part of the same was sold. On the basis of the same, above named Gurbhej Singh @ Vishal has also been arraigned as an accused in this case. The case is still under investigation. The petitioner had moved an application for grant of regular bail before the trial Court of

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learned Judge, Special Court, Gurdaspur but the same had been dismissed, vide order dated 27.03.2025.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. In fact, a false recovery has been planted upon him. More so, the quantity of the contraband allegedly recovered from the petitioner does not fall under commercial quantity. Although, the petitioner has been falsely implicated in two more cases but he is on bail in those cases. The case is still under investigation, which goes to show that commencement of trial and its conclusion would take considerable long time. The petitioner is in custody since 07.03.2025. No useful purpose would be served by keeping him into custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was nabbed at the spot and recovery of 04 grams of heroin was effected from him. His story regarding false implication is concocted one. The criminal antecedents of the petitioner are not clean as he is involved in two more cases of similar nature. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. Admittedly, the quantity of the recovered contraband falls within small quantity, the same being 04 grams. The petitioner is shown to

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be involved in two more cases but he is stated to be on bail in those cases. He is in custody since 07.03.2025. A perusal of the status report reveals that the case is still under investigation, which means that the presentation of *challan* and commencement of trial as well as its conclusion will take long time. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**26.05.2025***Wasem Ansari***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*