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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARHCRM-M-60762-2023
Date of decision:-04.04.2025

HARSH SIDHU

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Aashish Nagar, Advocate for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

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 (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0216	20.09.2023	21 of NDPS Act	Mahilpur, District Hoshiarpur

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 even otherwise the alleged recovery effected from the petitioner marginally higher than the non commercial quantity with which the petitioner has no concern. He contends that no other case under NDPS Act is registered against the petitioner and he was arrested on 20.09.2023 since then he is in custody. He contends that after completion of investigation



challan has already been presented in Court, wherein prosecution has cited 11 witnesses and till date only 2 witnesses have been examined. Hence prayed for grant of concession of regular 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 265 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 11 witnesses and till date only 2 of them have been examined.

5. After considering the rival contentions and perusing the record, it transpires that during patrolling, on secret information, police party apprehended one person, who disclosed his name as Harsh Sidhu and on search, recovery of 265 grams of heroin was effected. Consequently, the petitioner was arrested on 20.09.2023 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 11 witnesses and till date only 2 witness have been examined. Admittedly, the recovery effected from the petitioner is marginally higher than the non commercial quantity, and the petitioner is not involved in any other case under NDPS Act. The conclusion of trial to ascertain criminal liability, if any, of the petitioner, will take sufficient long time, 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 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

04.04.2025

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