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228/236

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Date of decision:-24.03.2025

1. CRM-M-14426-2024

GURJANT SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

2. CRM-M-41587-2024

JARMANPREET SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Hitesh Chopra and Mr. Amit Kumar, Advocates,
for the petitioner in CRM-M-14426-2024.

Mr. Vipin Mahajan, Advocate,
for the petitioner in CRM-M-41587-2024

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed replies by way of affidavits dated 23.03.2025 of Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala alongwith custody certificates dated 21.03.2025 in both the cases, the same are taken on record, copies thereof, have been supplied to the counsel opposites.

2. Both the bail petitions arising out of the same FIR are taken up together for disposal.



3. The instant petitions have been preferred by the petitioners for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
128	27.12.2022	21 (C) and 29 of NDPS Act	Ghanie Ke Bangar Tehsil, Police District Batala, District Gurdaspur

4. Arguments heard.

5. It is *inter alia* contended by learned counsel for the petitioners that the petitioners are innocent, and have been falsely implicated in this case. They contend that petitioners happen to be uncle and nephew, and as per the allegations, they were found keeping in their possession 260 grams of heroin when apprehended by the police at T-point Bhalowali Road Aliwal while traveling in Car No. PB-06-AF-4296. They contend that even otherwise, the alleged recovery effected from the petitioners is marginally higher than the non commercial quantity with which the petitioners have no concern. They contend that petitioners were arrested on 27.12.2022 and since then they are in custody, and after completion of investigation challan has already been presented in Court, wherein prosecution has cited 12 witnesses and till date only 8 witnesses have been examined. Hence prayed for grant of concession of regular bail to the petitioners.

6. *Per contra*, learned State counsel referring to the replies submitted by the State, has assailed these arguments by submitting that 260 grams of heroin was recovered from the conscious possession of the petitioners, which falls within the purview of commercial quantity, as such, they does not deserve concession of bail. However, he has not denied the fact that petitioners are not having any other case registered under NDPS Act and



after completion of investigation challan has already been presented in Court, wherein prosecution has cited 12 witnesses and till date 8 witnesses have been examined.

7. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the allegations that on 27.12.2022, the police party while checking of vehicles had apprehended Car No. PB-06-AF-4296, wherein, upon checking 260 grams of heroin was recovered from the dash board of the car. Both the petitioners were found traveling in the said car and they were accordingly arrested. After completion of investigation, challan has already been presented in Court wherein prosecution has cited 12 witnesses and till date only 8 witness have been examined. Therefore, keeping in view the assertion made by learned counsel for the petitioners (supra) and also the fact that the conclusion of trial to ascertain criminal liability, if any, of the petitioners will take sufficient long time, as such, no purpose would be served by detaining the petitioner any longer.

8. Resultantly, without commenting on the merits of the case, both the present petitions are allowed. The petitioners are 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 county without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. It is further made clear that in case the petitioners are found

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involved in any case under NDPS Act, after their release on bail, it will be open for the prosecution to move an application for cancellation of their bail in accordance with law.

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

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

12. Photo-copy of this order be placed on the connected file.

(SANJIV BERRY)
JUDGE

24.03.2025

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