



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

CRM-M-11394-2025
Date of Decision: 06.05.2025

Davinder @ Dalwinder Singh @ Bittu Petitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

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

Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present second petitioner praying for grant of regular bail in case FIR No.259 dated 25.10.2022 under Sections 21, 23 of NDPS Act, 1985 and under Section 10, 11, 12 of Aircraft Act, 1934 (Sections 25, 27-A, 29 of NDPS Act, 1985 added lateron) registered at Police Station Chheharata, District Police Commissionerate Amritsar.

2. It has been submitted by learned counsel for the petitioner that this is the second petition filed by the petitioner praying for the grant of regular bail. He submits that as per case of the prosecution, the petitioner has been roped in the present case for the recovery of 5 grams of heroin. He submits that the petitioner was granted regular bail by learned Judge, Special Court, Amritsar vide order dated 01.12.2022, however, thereafter, offence under Sections 25, 27-A, 29 of NDPS Act, 1985 were added to the FIR. He submits that the petitioner approached this Court by way of filing petition under Section 438 Cr.P.C. and he was granted interim anticipatory bail by this Court vide order dated 08.05.2023. However, he could not join the



investigation and hence, the interim anticipatory bail granted to him was dismissed vide order dated 28.08.2023. He submits that thereafter, the petitioner was arrested on 23.09.2024 and since then he is behind bars. He submits that though the petitioner is facing prosecution in other cases as well, however, in the present case, it is an admitted fact that he is being prosecuted for recovery of 5 grams of heroin, which is a small quantity and one drone. He further submits that the co-accused are already on anticipatory/regular bail and the investigation is also complete. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted anticipatory bail.

3. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender. He submits that as evident from the record of the case, the petitioner after having been granted interim anticipatory bail by this Court, had misused the concession of interim anticipatory bail and even never joined the investigation. He submits that in all there are nine accused, out of which one accused is yet to be arrested. On instructions from ASI Kawaljeet Singh, he submits that that investigation in the present case is already complete and the challan has been presented. He, thus, submits that keeping in view the facts and circumstances of the present case, the petitioner does not deserve the concession of bail.

4. After hearing counsel for the parties and perusing the record, it is deciphered that petitioner is behind bars since 23.09.2024. It is also transpired from the record that the petitioner was granted interim anticipatory bail by this Court, however, he did not join the investigation.



There is no denial to the fact that the alleged recovery effected in the present case is 5 grams of heroin and thereafter, offences were enhanced and Sections 10, 11, 12 of Aircraft Act, 1934 were added.

5. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

6. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

7. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

06.05.2025

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Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No