



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

227

**CRM-M-939-2025 (O&M)
Date of Decision:- 25.04.2025**

BALJINDER SINGH @ GAGGI

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. J.S. Sandhu, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Status report dated 24.04.2025 filed in the form of affidavit of Deputy Superintendent of Police, Anti-Narcotics Task Force, Ferozepur Range, Ferozepur, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

| FIR No. | Dated | Sections | Police Station |
|----------------|--------------|-----------------|--|
| 70 | 30.04.2024 | 21 NDPS Act | STF Phase-IV, Mohali, District Sri Muktsar Sahib, Punjab |

4. 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 submits that the petitioner is in custody since 30.04.2024 and after the completion of investigation, challan has already been presented in Court and the conclusion of trial will take sufficient long time. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the status report filed by the State has opposed the petition on the ground that the petitioner was found indulging in the sale and purchase of narcotics and 200 grams of heroin was been effected from him, as such, he does not deserve the concession of bail and prayed for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution, the police party had apprehended the petitioner on 30.04.2024 on the basis of suspicion and from his conscious possession, 200 grams of heroin was allegedly recovered. After the completion of investigation, challan has been presented in Court, wherein the prosecution has cited 24 witnesses and till date, none has been examined. Admittedly, the recovery of contraband effected from the possession of the petitioner does not fall within the purview of commercial quantity and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on



bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate 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.

8. 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.

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

10. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

25.04.2025

S.Sharma(syr)

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