



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M-12148-2026
Decided on : 09.07.2026

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. L.M. Gulati, Advocate
for the petitioner(s).

Mr. Vinay Malhotra, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant second petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
	27	23.02.2025	S. 21/61/85 of NDPS Act, 1985 (later on added S. 21-C/25/27/29 of NDPS Act, 1985)	'A' Division	Amritsar

2. The first bail petition filed by the petitioner, i.e., CRM-M-22853-2025, was dismissed as not pressed at that stage by the Coordinate Bench of this Court vide order dated 23.07.2025 (Annexure P-6).

3. Facts of the case, as mentioned in the FIR in question are mentioned here-under:-

“ On dated 23.02.2025 on the basis of secret information, (applicant) was arrested. Recovery of heroin weighing 417 gram along with sum of ₹23,400/- as drug money and digital weighing scale was effected from him. During the course of



investigation, he has suffered disclosure statement whereby he has disclosed that the contraband recovered from him was procured from : He came in contact with Vikram Kumar in jail and is in association with him from last two years. Consequently, on apprehension of the further recovery of 30 gram heroin was effected from him.”

4. By referring the aforesaid allegations, learned counsel for the petitioner submits that there was a recovery of 417 grams of heroin along with amount of Rs.23,400/- (as drug money), and one digital weighing scale from the possession of the petitioner. Apart the petitioner, there was one more accused, namely, who was involved on the basis of alleged disclosure statement of the petitioner.

5. Learned counsel further contends that, in fact, petitioner has been falsely implicated in present case. In support thereof, he places reliance upon CCTV footage regarding his arrest on 23.02.2025 at about 06:20 PM from his Honda City car by police party.

Further submits that petitioner is shown to be involved in number of other criminal cases, including one under NDPS Act in year 2022, in which he is already on bail, besides one case under POCSO Act.

Also submits that victim in POCSO case has already married petitioner in year 2019 and out of said wedlock, one child has been born. According to learned counsel, both of them are residing together happily as husband and wife.

6. Upon this, victim in POCSO case, appears in person and is identified by learned counsel for petitioner.

On being asked by Court, specifically states that after conclusion of proceedings in said case, she has solemnized marriage with



petitioner and both of them are living happily as husband and wife. She further states that one child has also been born out of said wedlock.

7. Additionally, learned counsel for petitioner argues that allegations against petitioner are yet to be established by prosecution by leading cogent and substantive evidence during trial. It is further submitted that recording of statements of prosecution witnesses is likely to consume considerable time. Thus, keeping in view totality of facts and circumstances, learned counsel prays for grant of regular bail to petitioner.

8. On the other hand, learned State counsel, while vehemently opposing prayer for bail, submits that keeping in view gravity of offence, commercial quantity of contraband recovered and antecedents of petitioner, he does not deserve any concessional relief.

On a specific query put by Court, learned State counsel informs that out of total cited 21 prosecution witnesses, none has been examined so far. He further submits that petitioner is inside jail in present case since 23.02.2025, i.e., for a period of about 01 year, 04 months and 11 days.

9. I have heard learned counsel for parties and perused relevant material available on record.

10. Ordinarily, keeping in view nature of allegations, recovery of commercial quantity of contraband and antecedents of petitioner, this Court would not have been inclined to extend concession of regular bail at this stage. However, another circumstance, which has weighed with this Court, is statement made by [redacted], victim in POCSO case, who has appeared before this Court and categorically stated that she has solemnized marriage with petitioner and both of them are living happily as husband and wife and have a child born out of said wedlock.



Though aforesaid circumstance has no bearing on merits of present NDPS case, yet it indicates that petitioner has an opportunity to lead a settled family life and rehabilitate himself in society. Coupled with fact that petitioner is inside jail for more than 01 year and 04 months and admittedly, none out of total cited 21 prosecution witnesses has been examined so far, this Court is of considered view that further incarceration of petitioner would not serve any useful purpose. Needless to observe that allegations against petitioner are yet to be established by prosecution by leading cogent and substantive evidence during course of trial.

11. Keeping in view totality of facts and circumstances, including nature of allegations; period of custody already undergone by petitioner; stage of trial and without commenting upon merits of case; this Court deems it appropriate to extend concession of regular bail to petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here-above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.



14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

15. Petition stands **disposed of**.

Pending misc. application(s), if any, also stand(s) disposed of.

(SANJAY VASHISTH)
JUDGE

July 09, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*