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AT CHANDIGARH**

**CRM-M-17026-2024  
DECIDED ON: 19.11.2024**

**TARSEM SINGH**  
  
**.....PETITIONER**  
  
**VERSUS**

**NARCOTICS CONTROL BUREAU (NCB), AMRITSAR**  
  
**.....RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.**

Present:      Mr. Veneet Sharma, Advocate  
                    for the petitioner.

                    Mr. Sourabh Goel, Advocate  
                    for the respondent.

**VIKRAM AGGARWAL, J (ORAL)**

1.                The prayer in the present petition moved under Section 439 of the Code of Criminal Procedure (for short ‘Cr.P.C.’) is for the grant of bail in case bearing NCB Crime No.19/2023 dated 28.07.2023 under Sections 8, 21, 23 and 60 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘the NDPS Act’) registered at Police Station N.C.B. Amritsar, District Amritsar.
2.                On 28.07.2023, 820 grams of heroin and a black coloured motorcycle bearing registration No.PB02-AN-8265 are alleged to have been recovered from the fields of the petitioner. Accordingly, the petitioner was apprehended on 13.10.2023 and vide application dated 14.10.2023, remand of the petitioner was sought. The petitioner is in custody since then.
3.                Learned counsel for the petitioner strenuously urges that the petitioner has been falsely implicated. He submits that the petitioner alongwith his brother namely Sukhwinder Singh are joint owners of land



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measuring 163 Kanals 12 Marlas from which the alleged recovery has been made. He submits that the alleged confession of the petitioner that he had stolen the motorcycle recovered from his fields is not admissible in evidence. He further submits, while referring to the order dated 15.04.2024 passed by a Co-ordinate Bench as also to the order dated 27.05.2024 that there is no report forthcoming as regards the slipper alleged to have been recovered from the fields of the petitioner. Learned counsel submits that the petitioner is in custody since 13.10.2023; more than one year has elapsed; complaint has been filed and the trial is still at its initial stage. It has been submitted that no useful purpose would be served by keeping the petitioner in custody any longer as he has already been falsely implicated. Learned counsel further submits that the petitioner has clean antecedents and is not involved in any other case.

4. *Per contra*, Mr. Sourabh Goel, learned counsel representing the N.C.B. submits that there is a confessional statement of the petitioner to the fact that the motorcycle in question had been stolen by him. He further submits that in so far as the slipper is concerned, the report of the CFSL has been received and as per the same, the slippers could not be matched with the DNA profile of the petitioner, for no human DNA contribution was recovered from the slippers. Learned counsel submits that if the petitioner is released on bail, he may try to influence the witnesses and may abscond. On a pointed query, learned counsel concedes that the petitioner was not present at the spot when the contraband was recovered.

5. I have considered the submissions made by learned counsel for the parties.

6. No doubt, 820 grams of heroin have been recovered from a field

of which the petitioner is one of the owners. However, the field measures 163 Kanals 12 Marlas. The co-owner of the fields is the brother of the deceased Sukhwinder Singh against whom admittedly no action has been initiated. The slipper on which much reliance was being placed by the N.C.B. was not found to have any human contribution which could have enabled the CFSL to compare it with the DNA of the petitioner. The petitioner was not present at the spot when the contraband was recovered. Further while the contraband was recovered on 28.07.2023, the petitioner was arrested on 13.10.2023 and is in custody since then. He has no criminal antecedents. As to whether the contraband was actually recovered from him or not shall be determined at the stage of trial. Merely because it is a commercial quantity does not mean that the petitioner has to be kept behind bars and it is only if the petitioner is *prima facie* linked with the same, can the detention be justified.

In view of the aforementioned facts and circumstances, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

19.11.2024

Prince Chawla

(VIKRAM AGGARWAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |