



CRM-M-13296-2025

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

CRM-M-13296-2025

Date of Decision: 23.09.2025

MANDEEP SINGH ALIAS MATTA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

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

Mr. Gorav Kathuria, DAG Punjab.

YASHVIR SINGH RATHOR, J. (Oral)

1. This is the second application under Section 483 of BNSS, 2023 for grant of regular bail in case FIR No.63, dated 08.06.2024, registered at Police Station Khem Karan, District Tarn Taran, under Section 21(b) of NDPS Act, 1985 (Section 21-c and Section 29 of NDPS Act, 1985 added later on).

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. Brief facts of the prosecution case are that on 08.06.2024, police party headed by ASI Amrik Chand was on patrolling duty and when police party reached near Kalas, two persons were seen standing on the road but on seeing the police party, they threw polythene bags on the road side and started going towards the fields but they were stopped. On inquiry, they disclosed their names Rasal Singh and Mandeep Singh @

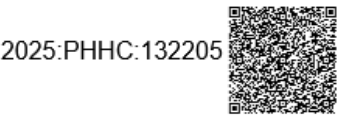


Matta (petitioner). On inquiry, they told that the polythenes contain heroin. The polythene thrown by Rashal Singh was checked which contained 200 grams of heroin and from the polythene thrown by Mandeep Singh, 55 grams of heroin was recovered and the same was taken into possession. Accused were arrested and after completion of usual investigation, final report was presented in the Court for trial on 06.08.2024.

4. Learned counsel for the petitioner argued that petitioner has been falsely implicated in the present case. He is in custody since 08.06.2024. Only 55 grams of heroin has been recovered from his possession which falls within non-commercial quantity. Challan has already been presented on 06.08.2024 and charge was framed on 07.09.2024 and till date, 06 witnesses have been examined out of total 14 witnesses cited by the prosecution. The trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that 200 grams of heroin was recovered from co-accused Rasal Singh and 55 grams of heroin was recovered from the possession of the petitioner and the quantity recovered from both is commercial and rigors of Section 37 of NDPS Act, 1985 will come into play and petitioner is not entitled to bail.

6. 55 grams of heroin was recovered from the possession of the petitioner which falls within non-commercial quantity. Learned Trial Court has rejected the bail by observing that 255 grams of heroin has been recovered from both the accused which falls within commercial



quantity and rigors of Section 37 of NDPS Act are attracted. However, a Coordinate Bench of this Court in Law Finder Doc Id # 2661698 ‘*Satnam Singh Vs. State of Punjab*’ decided on 22.10.2024 has held that recovery from co-accused cannot be clubbed to bring the quantity within the commercial quantity. Petitioner is in custody since 08.06.2024. Challan has already been presented on 06.08.2024 and charge was framed on 07.09.2024 and till date, 06 witnesses have been examined out of total 14 witnesses cited by the prosecution. As such, trial is likely to take sufficiently long time to conclude and in these circumstances, further detention of the petitioner is not required and he deserves to be released on bail.

7. Having regard to the aforesaid factual position, but without commenting anything on the merits of the case, the bail application is allowed and petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, on usual terms and conditions.

(YASHVIR SINGH RATHOR)
JUDGE

23.09.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No