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

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CRM-M-18128-2025 (O&M)

Date of decision: 19.05.2025

Rajdeep Singh**...Petitioner****Versus****U.T., Chandigarh****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Arjun Dosanj, Advocate
for the petitioner.

Mr. Manish Bansal, Public Prosecutor, U.T., Chandigarh.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 68 dated 24.05.2024, registered under Sections 20 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station West Sector 11, Chandigarh. The first petition, bearing number **CRM-M-42136-2024**, was dismissed by this Court on 18.11.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 24.05.2024, the petitioner along with co-accused Gagandeep Singh @ Mani was apprehended by a police party headed by SI Imroz Man and recovery of 968 grams of *Charas* was effected from petitioner No. 1, whereas recovery of 952 grams of *Charas* was effected from the co-accused. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the

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petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. False recovery has been planted upon him. Even otherwise, the quantity of the contraband shown to have been recovered from the petitioner does not fall under commercial quantity. The recovery effected from the aforesaid co-accused cannot be added to bring it within the ambit of commercial quantity. Reliance in this regard is placed upon the ratio of law as laid down by Hon'ble Supreme Court in *Amarsingh Ramjibhai Barot vs. State of Gujarat : 2005(7) SCC 550*. It is further argued that pendency of one more case against the petitioner is not a ground to deny him the concession of bail. Investigation has since been completed and challan has been presented. Conclusion of trial is likely to take time. The petitioner is in custody since 24.05.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-U.T., Chandigarh. It is submitted therein and learned Public Prosecutor has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. He was apprehended along with the co-accused while keeping in his possession of the aforementioned contraband. Trial is going on at a proper pace. The petitioner is involved in one more case of similar nature. It is, thus, argued that the petition is liable to be dismissed.

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5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner along with the above named co-accused was apprehended by the police party on 24.05.2024 and recovery of 968 grams of *Charas* was effected from the petitioner, whereas 952 grams of *Charas* was recovered from the co-accused. The quantity of the contraband individually recovered from the petitioner and co-accused does not fall within the ambit of commercial quantity. Hence, in view of ratio of law as laid down in *Amarsingh's* case (supra), it will be a question of debate as to whether the recovery effected from the co-accused can be taken into consideration against the present petitioner to bring it under commercial quantity and the same can be decided by the learned trial Court only at the final conclusion of trial after appreciating the entire material and evidence placed on record before it. The petitioner is in custody since 24.05.2024. He is stated to be on bail in other case. Investigation has since been completed and challan has been filed. A perusal of the status report reveals that out of total 15 prosecution witnesses, only 03 witnesses have been examined so far, which means the conclusion of trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to

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apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.05.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No