

2025:PHHC:067370



110 (3rd case)

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

CRM-M No.23618 of 2025 (O&M)

Date of decision: 20.05.2025

Tarsem Chand @ Tarsem Dhaipi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

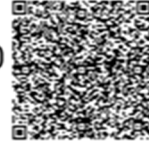
Present:- Mr. Sherry K. Singla, Advocate for the petitioner.

Mr. Deepender Singh, Additional Advocate General, Punjab
for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short* 'BNSS') for grant of bail pending trial to the petitioner in FIR No.121 dated 07.08.2024 (P-1), under Sections 29 & 59(2) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act'); Section 111 of the Bharatiya Nyaya Sanhita, 2023 (*for short* 'BNS') [Section 308 (3) of BNS added later on], registered at Police Station Special Task Force, District STF Wing, Mohali.

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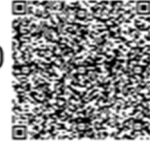
(2) Custody Certificate dated 19.05.2025 of the petitioner has been produced and which is taken on record. Copy thereof supplied to the opposite side. Registry to tag the same at appropriate place.

(3) Allegations are that petitioner, in connivance with other co-accused, used to get his share as drug money from peddlers by helping them in illegal selling of drugs.

(4) Contends that petitioner is in custody since 13.02.2025 and he is a Proprietor of Naresh Medicos in the name and style of D.T.A. Pharma, Near Bohar Wala Chowk, Maur Mandi, District Bathinda for which he is having a valid license to sell/stock/exhibit/distribute the drugs. Also contends that petitioner has no concern/link with co-accused, namely, Shishan Kumar Mittal, Drug Inspector; nor he has received any money as alleged by the prosecution. Vehemently contends that there is no recovery of any contraband from the petitioner. Also contends that petitioner has been falsely implicated in the present case without there being any evidence to substantiate the same. Lastly contends that supplementary report under Section 193 of BNSS was presented on 08.04.2025 and charges are yet to be considered; thus, trial will take sufficient long time.

(5) Learned State Counsel, on instructions from quarter concerned; opposed the prayer on the premise that petitioner is facing four other criminal cases; but candidly acknowledged that in this case, no contraband has been recovered from anyone till date. Further submitted that petitioner, along with

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co-accused Shishan Kumar Mittal, has purchased a *benami* property at Ratia. Lastly submitted that allegations against the petitioner are serious in nature and there is a big nexus of drug peddlers; hence, petitioner does not deserve the concession of bail pending trial.

(6) While refuting the submissions of State, learned Counsel for the petitioner further contends that although petitioner is involved in four other cases; but he is already on bail in those cases.

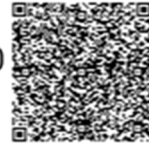
(7) Heard learned Counsel for the parties and perused the paper-book.

(8) On repeated asking of the Court, learned State Counsel is not able to answer as to what offence under the NDPS Act would be made out against the petitioner when there is no recovery of contraband in this case from anyone.

(8.1) It is not in dispute that petitioner is in custody since 13.02.2025; supplementary report under Section 193 of BNSS was presented on 08.04.2025 and charges are yet to be considered; thus, trial will take sufficient long time.

(8.2) Concededly, no contraband has been recovered in the present case, therefore, mere disclosure would not be a ground to decline bail pending trial to petitioner; thus, *prima facie*, it is very difficult to comprehend that any offence is made out against him under Section 29 of the NDPS Act.

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(8.3) Moreover, it is not the objection raised by learned State Counsel that in case petitioner is released on bail, he may influence the prosecution witnesses and/or hamper the trial.

(9) In view of the above, there is no justification to prolong the incarceration of petitioner any further.

(10) Consequently, present petition is allowed. Petitioner be admitted to bail pending trial on his furnishing bail bonds and surety bonds to the satisfaction of learned Special Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(11) Petitioner shall fully co-operate with learned Special Court without seeking any unnecessary adjournments.

(12) The above observations be not construed as an expression of opinion on the merits of case.

(13) It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State would be at liberty to move an appropriate application for recalling of this order.

Pending application(s), if any, shall also stand disposed off.

20th May, 2025
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>