

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

2025:PHHC:167754



233

CRM-M-40747-2025 (O&M)  
Date of decision:02.12.2025

Arshdeep Singh @ Arshi

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Ms. Vipandeep Kaur, Advocate for  
Mr. Vikramjeet Singh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

**Manisha Batra, J. (Oral).**

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No.121, dated 06.06.2025, registered under Sections 21-B and 29 of the NDPS Act, at Police Station Sadar Bathinda, District Bathinda.

2. The aforementioned FIR was registered on the allegations that on 06.06.2025, the petitioner was apprehended on the basis of suspicion and 20 grams of heroin as well as drug money to the tune of Rs.3,25,000/- was recovered from his conscious possession, which was taken into custody. He was formally arrested and suffered disclosure statement on the basis of which co-accused were apprehended and arrested. Investigation now stands completed and the petitioner along with co-accused is facing trial for

commission of the aforementioned offences.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case and a false recovery of contraband has been planted upon him. Rigors of Section 37 of the NDPS Act are not attracted in this case. The alleged recovery is of non-commercial quantity. He is on bail in other two cases as registered against him. No money was recovered from him. His further incarceration would not serve any useful purpose. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Per contra, learned State counsel has argued that the petitioner is a habitual offender. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore argued that the petition does not deserve to be allowed.

5. This Court has heard the rival submissions made by learned counsel for the parties.

6. The petitioner is alleged to have been found in custody of 20 grams of heroin. He is custody since 06.06.2025. It is only upon thorough assessment of the evidence to be produced during the course of trial, that it can be determined as to whether the money allegedly recovered from the petitioner actually belonged to him or not? Continued detention of the petitioner is not going to serve any fruitful purpose. It is well settled proposition of law that the bail is the rule and jail is an exception. Pre-trial incarceration of an accused should not be replica of post conviction sentencing. Keeping in view the above facts and circumstances but without meaning to make any comment on the merits of the case, the petition is

allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

02.12.2025

*harjeet*

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

(MANISHA BATRA)  
JUDGE