



212

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

CRM-M-56573-2025

Date of decision : 12.12.2025

Arshdeep Singh @ Tindi

....Petitioner

versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail in case FIR No.107 dated 12.07.2025, under Sections 21-B, 27-A, 29, 61, 85 of Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Sultanwind, Amritsar.

2. Succinctly the facts of the case are that the Police party while on patrolling on 12.07.2025, when reached near Marhian ground, saw a young person standing there, on seeing the police he got perplexed and tried to escape and was about to throw a polythene bag which he was holding in his hand. However, the police overpowered him. On asking, he disclosed his name to be Arshdeep Singh @ Tindi (present petitioner). He was suspected to be carrying some contraband in the polythene bag, hence, the same was searched. On conducting the search of the polythene, 7.60 grams of heroin and Rs.400 as drug money were recovered. He failed to produce any license regarding possession of the same and hence, the FIR was registered and he was arrested on spot. The investigation



commenced. The samples taken were sent to the FSL. On receipt of FSL report, challan was presented and on framing of charges, trial commenced. The petitioner approached Learned Judge, Special Court, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Learned trial Court vide order dated 05.09.2025. Aggrieved by the same, the petitioner is before this Court by way of filing of present petition for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that there is blatant violation of mandatory provisions of Section 50 of NDPS Act, while conducting the search. He submits that even otherwise the alleged recovery is marginally above the small quantity and thus, provisions of Section 37 of NDPS Act are not attracted in the present case. To buttress his arguments, he submits that the petitioner is not involved in any other case of similar nature. He submits that it is only to harass the petitioner, he has been roped in the present case. He thus, submits that in the facts and circumstances of the case, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner and submits that the petitioner was arrested on spot. He submits that on conducting the search, recovery of 7.60 grams of heroin and Rs.400 as drug money, was effected. He submits that the case is under investigation. He has produced the custody certificate of the petitioner on record.



5. After hearing counsel for the parties and perusing the record, it is deciphered that the petitioner is behind bars since the date of his arrest i.e. 12.07.2025. The alleged recovery in the present case has been effected from a public place, which admittedly falls under the category of non-commercial quantity. As per custody certificate, the petitioner has suffered an incarceration of 04 months and 26 days as on 11.12.2025. It further reflects that the petitioner is not involved in any other case of similar nature, though, he is involved in 02 more cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.12.2025

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(RAJESH BHARDWAJ)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No