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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-24389-2026

Date of decision: 6th May, 2026

Rahul Mattu @ Gopi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Simi Kandra, Advocate for the petitioner.
Mr. Vivek Sharma, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 50 dated 07.07.2024 registered under Sections 21(C), 25 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') at Police Station Ladhawal, District Police Commissionerate Ludhiana.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 07.07.2024, a police party headed by SI Sohan Lal was on patrolling duty, which noticed a car make Hyundai i-20 bearing registration number PB-10-GJ-5133 lying parked near Bharat Petrol Pump. Three persons were seen standing near the said car, who, on seeing the police party, threw polythene envelopes on the ground but were apprehended by the police party. On inquiry, they disclosed their names as Rahul Mattu @ Gopi, i.e. present petitioner, Akashdeep Singh @ Akash and Rohit Singh. Search of the

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polythene bags, which they had thrown, was conducted and recovery of 180 grams of *heroin* was effected from the polythene bag, which was thrown by the petitioner, whereas recovery of 100 grams and 230 grams of *heroin* was effected from the polythene bags thrown by the co-accused Rohit Singh and Akashdeep Singh @ Akash, respectively. Since they could not produce any valid license or permit to keep in their possession the recovered contraband, they were formally arrested at the spot. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the alleged recovery was planted upon him. More so, as per own version of the prosecution, only 180 grams of *heroin* was recovered from the petitioner, which does not fall under commercial quantity. It is further argued that 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 on the authority cited as ***Amarsingh Ramjibhai Barot vs. State of Gujarat : 2005(7) SCC 550***. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as only 01 out of 17 prosecution witness has been examined so far. The petitioner is in custody since 07.07.2024. No useful purpose would be served by keeping him in custody anymore. Co-accused Rohit Singh has been extended benefit of regular bail.

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On parity, he too deserves to be released on bail. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Custody certificate has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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

6. As per the prosecution, recovery of 180 grams of *heroin* was effected from the petitioner, whereas recovery of 230 grams and 100 grams of *heroin* was effected from the polythene bags thrown by co-accused Akashdeep Singh @ Akash and Rohit Singh, respectively. The quantity of the contraband recovered from the petitioner does not fall under the commercial quantity, threshold quantity of which is 250 grams. 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 within the ambit of commercial quantity and the same can be decided by the learned trial Court at the final conclusion of trial after appreciating the entire material and evidence placed on record before it.

7. The petitioner is in custody since 07.07.2024. There are no

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chances of conclusion of trial in near future as only 01 prosecution witness has been examined so far. The quantity of the contraband recovered at the instance of the petitioner does not fall under commercial quantity. Investigation has since been completed and *challan* has been presented. The involvement of the petitioner in other cases cannot be considered to be a reason for denying benefit of bail to him. It is well settled proposition of law that pre-trial incarceration should not be a replica of post-conviction sentence and that bail is the rule and jail is an exception. The principle of parity also weighs in favour of the petitioner. Keeping in view the aforesaid facts and circumstances, this Court is 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 apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. 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.

9. Since the main petition has already been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

6th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |