



CRM-M-39211-2025 (O&M)

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

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CRM-M-39211-2025 (O&M)

Date of decision : 23.02.2026

Mandeep Singh @Mani

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present : Mr. Jashandeep Singh Sandhu, Advocate for the petitioner.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

SURYA PARTAP SINGH, J.

This petition for bail is second petition filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023. It has been filed with regard to a case arising out of FIR No.72 dated 17.07.2024, for the commission of offence punishable under Sections 105, 3(5) of Bharatiya Nyaya Sanhita, 2023, and Sections 21(c) & 29 of Narcotic Drugs and Psychotropic Substances Act, hereinafter being referred to as 'NDPS Act', Police Station Sadar Patti, District Tarn Taran.

2. The abovementioned FIR came into being at the instance of 'Gurdev Singh', hereinafter being referred to as 'complainant' only. It was stated by the above-named complainant that on 17.07.2024 at about 07:00 am, when he along with his family was going towards Gurudwara, he noticed that Bikkar Singh was holding his cousin Surjit Singh and Mandeep



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Singh @Mani (petitioner herein) was injecting two syringes in his arms. According to complainant, on account of abovesaid injection of drugs, Surjit Singh passed away.

3. It is the case of the prosecution that pursuant to abovementioned statement, formal FIR of this case was lodged and the investigation taken up. As per prosecution, during the course of investigation at the instance of petitioner, 270 gms of Heroin was recovered.

4. **Notice of motion.**

5. Mr. Eklavya Darshi, Deputy Advocate General, Punjab appears on behalf of respondent-State. Hence service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record. No formal reply has been filed by the State. However, the learned State Counsel has orally opposed the present petition.

6. It has been contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case, and that on the ground of parity also, he is entitled for the benefit of bail as the co-accused, namely Bikkar Singh, has already been accorded the benefit of bail by this Court. According to learned counsel for the petitioner, the petitioner has clean antecedents, and that former bail petition filed by the petitioner was not decided on merits. In view of above the learned counsel for the petitioner has contended that due to abovementioned facts of the case and also on account of long incarceration, the petitioner is entitled for the benefit of bail.



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7. The learned State Counsel has controverted the abovementioned arguments. According to State Counsel, the allegations against the petitioner are for the commission of offence punishable under Section 105 of BNS (erstwhile Section 304 IPC) coupled with the recovery of commercial quantity of Heroin. As per learned State Counsel, in view of abovementioned facts and circumstances of the case, the petitioner should not be enlarged on bail, unless the twin conditions enshrined under Section-37 of NDPS Act are satisfied.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that on the ground of parity, the petitioner is not entitled for the benefit of bail as from the possession of Bikkar Singh, no drug was recovered and the allegation against Bikkar Singh was for the commission of offence punishable under Section 105 of BNS (erstwhile Section 304 IPC).
- ii) that in the present case the allegations against the petitioner are that in addition to commission of offence punishable under Section 105 of BNS, he was also found in possession of 'commercial quantity' of Heroin, i.e. 270 gms;
- iii) that first petition for bail filed by the petitioner was dismissed as withdrawn on 04.02.2025, while observing that '*after arguing for some time, when this Court was not inclined, a prayer was made by learned counsel for the petitioner for withdrawal of the instant petition*';



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- iv) that the abovementioned facts show that it was not a simple withdrawal of petition by the petitioner. Rather, it was withdrawn when the Court was not inclined to give any relief to the petitioner;
- v) that prior to the dismissal of first petition, the benefit of bail had already been accorded to the co-accused Bikkar Singh and therefore, after the dismissal of former bail petition, the ground of parity does not exist for the petitioner; and
- vi) that in the present case, there is nothing on record to show that the petitioner has been able to satisfy any of the twin conditions enshrined under Section-37 of NDPS Act.

10. Taking into consideration the cumulative effect of all the abovementioned factors, it is hereby held that being devoid of merit the present petition, which is second petition for bail, deserves dismissal. Hence, the same is hereby ***dismissed***, accordingly.

11. However, it is clarified that the abovementioned observations shall not have any bearing upon the merits of the case.

12. Pending miscellaneous application(s), if any, also stand(s) disposed of, accordingly.

(SURYA PARTAP SINGH)
JUDGE

23.02.2026

Gaurav Thakur

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No