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

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CRM-M-56773-2025 (O&M)
Date of decision: 17.03.2026

Rukamdeen @ Gakku**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. S. K. Choudhary, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 104 dated 18.06.2025, registered under Sections 21, 27(A) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 111 of BNS, 2023 at Police Station Sujampur, District Pathanakot.

2. Brief facts of the case relevant for the disposal of the present petition are that on 18.06.2025, co-accused Mojdin was apprehended by a police party and recovery of 57.10 grams of heroin and drug money of Rs.600/- was effected from him. He was formally arrested at the spot. Upon interrogation, he disclosed that he had purchased the recovered contraband from the present petitioner. On the basis of the same, the petitioner was nominated in this case and was arrested on 18.06.2025. He suffered

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disclosure statement admitting his involvement in sale of heroin to several persons including abovenamed co-accused. 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 on the basis of the disclosure statement of the above named co-accused, which cannot be considered to be admissible in evidence. No subsequent recovery of any contraband has been effected from him. He is in custody since 18.06.2025. Even otherwise, the quantity of the contraband allegedly recovered from the co-accused does not fall under commercial quantity. Investigation has since been completed and challan has been filed. Conclusion of trial is likely to take time as out of total ten prosecution witnesses, none has been examined so far. His involvement in other cases cannot be made a ground for denying him the benefit of bail in the given circumstances. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report and the custody certificate of the petitioner have been filed by the respondent-State. It is submitted by learned State counsel that keeping in view the gravity of the allegations levelled against the petitioner as well as his criminal antecedents, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is in custody since 18.06.2025. The quantity of

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the contraband allegedly recovered from the co-accused does not fall under commercial quantity. No subsequent recovery is shown to have been effected from the petitioner. Investigation has since been completed and challan has been filed. Conclusion of trial would obviously take time as no prosecution witness has been examined so far out of total ten witnesses. Though the petitioner is shown to be involved in some other cases but that alone cannot be made a ground to deny him concession of bail in this case in the given circumstances. Keeping in view the aforesaid facts, this Court is of the considered opinion that no useful purpose would be served by keeping him 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.

7. 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.

17.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No