



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

228

CRM-M-63453-2025
Decided on : 04.02.2026

Tarsem Singh @ Sema . . . Petitioner(s)
Versus
State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Karandeep Singh Sidhu, Advocate
for the petitioner(s).

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Tarsem Singh @ Sema	135	05.09.2024	21(C) of NDPS Act, 1985	STF/ANTF	SAS Nagar (Mohali)

2. As per the allegations, petitioner was found boarding and driving motorcycle bearing registration No. PB05-AQ-5046. It was noticed by the members of the police team that a wax envelope was hanging on the handle of the said motorcycle. On effecting search of the polythene envelope, 266.81 grams of heroin (including the weight of the wax envelope) was allegedly recovered.

3. Learned counsel for the petitioner contends that after completion of investigation, challan was presented on 03.02.2025 and charges were framed on 15.09.2025. However, out of total cited 30 prosecution witnesses, only one



witness has been examined so far, whereas the petitioner has already undergone incarceration for a substantial period of about 01 year and 05 months.

He further contends that a false case has been planted upon the petitioner, as earlier he has never been found indulging in any such similar activity. Thus, learned counsel submits that the petitioner being a first-time offender, a sympathetic view may be taken and he be granted the concession of regular bail.

4. On the other hand, learned State counsel has filed the status report as well as custody certificate dated 03.02.2026 in Court today, which are taken on record, subject to all just exceptions. Office to tag the same at the appropriate place.

Copies thereof have been handed over to learned counsel for the petitioner.

5. Learned State counsel, while vehemently opposing the prayer for bail, submits that keeping in view the nature of allegations and the gravity of offence, petitioner does not deserve any leniency, as the recovery effected from him falls under the 'commercial' category. He further points out that as per custody certificate, two more FIRs are shown to be registered against the petitioner.

However, learned State counsel very fairly admits that except the present case, the petitioner is not found involved in any other similar activity, particularly under the NDPS Act. Besides, other factual assertions as noticed here-above have not been disputed by learned State counsel.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. Considering all the circumstances, as narrated by learned counsel



for the parties and also noticed here-above, this Court deems it appropriate that prayer for bail is worth consideration. Petitioner is a first-time offender under the NDPS Act. As per custody certificate, he has already undergone incarceration for a period of about 01 year, 04 months and 27 days as on 03.02.2026. Though the recovery effected from the petitioner falls under the 'commercial' category, yet it is only marginally above the threshold limit, being 16.81 grams in excess of the prescribed 250 grams for heroin.

It is also noticeable that except the present case, petitioner is not shown to be involved in any other case of similar nature under the NDPS Act. The trial is still at a very nascent stage, as out of total cited 30 prosecution witnesses, only one witness has been examined so far. In these circumstances, conclusion of trial is not likely to take place in the near future. Prolonged incarceration of the petitioner, without there being any substantial progress in trial, would not serve any useful purpose.

8. In view of the totality of circumstances, and the nature of allegations levelled against the petitioner, including the factors noticed here-above, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an



expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.

Misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

February 04, 2026
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*