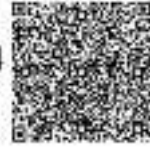


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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-68280-2025

Date of decision: 11th February, 2026

Tarsem Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amardeep Singh Mann, Advocate for the petitioner.

Mr. Roshandeep Singh, 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. 175 dated 17.09.2025 registered under Sections 22 and 25 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act') (Challan under Sections 22, 27 and 29 of NDPS Act has been filed) at Police Station Sardulgarh, District Mansa.

2. As per the allegations, on 17.09.2025, while patrolling in the area of Sardulgarh, two youths were found standing with a motor bike, while carrying a polythene with them. On noticing the police officials, they tried to flee but were apprehended. The petitioner was one of them and another one was Lovepreet Singh @ Bunty. On interrogation, they disclosed their names and particulars. On conducting search, 40 intoxicating tablets were recovered

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from their conscious possession. The recovered tablets were taken into possession by the police officials. Investigation now stands completed and 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. A false recovery has been planted upon him which is of non-commercial quantity. The rigors of Section 37 of NDPS Act are not attracted qua the petitioner. The mandatory provisions of Section 50 of NDPS Act are not complied with by the Investigating Agency. Trial will take considerable time to conclude as no prosecution witness has been examined so far. His involvement in the other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, argued that he deserves to be released on bail.

4. Status report and custody certificate have been filed by respondent-State. Learned State counsel has argued that the petitioner is a habitual offender as several other cases have been registered against him and he was even convicted in two cases under the provisions of NDPS Act and three cases under the provisions of IPC. 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 learned counsel for the parties at considerable length.

6. Non commercial quantity of contraband was allegedly recovered

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from the petitioner and the co-accused. He is in custody since 19.09.2025. Investigation stands completed. Trial will obviously take time to conclude as all the prosecution witnesses still remain to be examined. As such, pre-trial incarceration of the petitioner would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. It is also well settled that pre-trial incarceration should not be a replica of post-conviction sentence. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition deserves to be allowed. Hence, the same is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned Chief Judicial Magistrate/ Duty Magistrate concerned.

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

[MANISHA BATRA]
JUDGE

11th February, 2026
Parveen Sharma

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