



CRM-M-44705-2025

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**230**                    **IN THE HIGH COURT OF PUNJAB AND HARYANA**  
**AT CHANDIGARH**

**CRM-M-44705-2025**

Date of Decision: 22.08.2025

Tarsem Devgan

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Ms. Suman Kumari, Advocate, for the petitioner.

Mr.Raj Karan Singh, AAG, Punjab.

**Rajesh Bhardwaj, J. (ORAL)**

1.                    Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.86 dated 13.06.2025 under Sections 21(b), 27(a), 61, 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Sultanwind, District Police Commissionerate, Amritsar.

2.                    Succinctly, facts of the case are that on 13.06.2025, the police party while on patrolling, saw a person, holding a black polythene bag, sitting near the tube well. On seeing the police party got perplexed and tried to flee inside the Bagh and threw the polythene bag he was holding. However, on suspicion he was apprehended. He was suspected to be carrying some contraband in the polythene bag being carried by him and thus, the same was searched. On conducting search, 24 grams of heroin was found in the polythene bag. He failed to produce any licence regarding possession of the same. Thus, on the registration of the FIR, he was arrested on the spot. The investigation commenced. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no



merit in the same, dismissed the bail application filed by the petitioner vide order dated 22.07.2025. Hence, the petitioner has approached this Court praying for grant of regular bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. She submits that the alleged recovery has been effected from a public place, however, no independent witness has been joined. She submits that even otherwise the alleged recovery effected is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. She submits that the petitioner has no criminal antecedents as he has never been involved in any other criminal case and hence, it is apparent that the petitioner has been falsely roped in the present case. She, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that recovery has been effected from the petitioner, who was carrying a polythene bag. He submits that as it was a chance recovery, thus, there is no violation of any provisions of the NDPS Act. It has been submitted that the case is under investigation. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that the petitioner is behind bars since 13.06.2025. As submitted the case is under investigation. Custody certificate of the petitioner shows that he has suffered incarceration of 02 months & 06 days as 21.08.2025.



Though the petitioner has been shown to be involved in one more case, however, the same has registered while he was in jail.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

**(RAJESH BHARDWAJ)**  
**JUDGE**

**22.08.2025**

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Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No