



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

Date of Decision:-23.07.2025

CRM-35160-2025(O&M)

Jatinder Kumar @ Kali.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

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CRM-37349-2025

Kuldeep Singh.

.....Petitioner.

Vs.

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Neesh Garg, Advocate for the Petitioner
(in CRM-M-35160-2025)

Mr. Pardeep Kumar, Advocate for the Petitioner
(in CRM-M-37349-2025).

Mr. Harkanwar Jeet Singh, AAG Punjab.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same
FIR.

2. The Prayer in these petitions under Section 483 BNSS is for



grant of the grant of regular bail in case FIR No.0017 dated 29.04.2025 under Sections 21(b), 27, 29 of NDPS Act, 1985 registered at Police Station Sadar Budhlada, District Mansa, Punjab.

2. The petitioner-Jatinder Kumar @ Kali (in CRM-M-35160-2025) and Kuldeep Singh (in CRM-M-37349-2025) came to be apprehended with 202 grams of Heroin.

3. The learned counsel for the petitioner contends that the petitioner had been falsely implicated in the present case. There was violation of mandatory provisions of the Act regarding search and seizure including Sections 42 and 50. As the petitioner were in custody since 29.04.2025, none of the 24 prosecution witnesses had been examined so far and the recovery was of non commercial quantity of contraband, he was entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that serious allegations have been levelled against the petitioner. Offences of this kind were on the rise and, therefore, they was not entitled to the concession of bail. He, however, concedes that the petitioners were first time offenders, in custody since 29.04.2025, none of the 24 prosecution witnesses had been examined so far and that the recovery was of non commercial quantity of contraband.

5. I have heard the learned counsel for the parties.

6. Admittedly, the recovery from the petitioner is of non commercial quantity of contraband. Therefore, the bar contained under Section 37 of the NDPS Act would not be applicable to the case of the petitioner. Further, the petitioners are stated to be in custody since 29.04.2025 and none of the 24 prosecution witnesses have been examined so far. Therefore the Trial of the present case is not likely to be concluded



anytime soon. In this situation the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petitions are allowed and the petitioners-**Jatinder Kumar @ Kali** son of Rattan Kumar and **Kuldeep Singh** son of Sh. Balwinder Singh are ordered to be released on bail subject to their furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petitioners (or anyone on their behalf) shall prepare an FDR in the sum of Rs.50,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from trial without sufficient cause.

9. The petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

July 23, 2025

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>