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

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CRM-M-28678-2025 (O&M)

Date of decision: 20.08.2025

Buta Singh @ Buti**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amit Arora, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in FIR No. 364 dated 29.08.2023, registered under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Goindwal Sahib, District Tarn Taran. The previous petition, bearing number **CRM-M-60599-2023**, was dismissed as withdrawn on 21.08.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 29.08.2023, the petitioner and co-accused Ravinder Singh, while coming on a motorcycle, were apprehended by a police party and recovery of 110 grams of heroin was effected from the petitioner, whereas 210 grams of heroin was recovered from the co-accused. Both of them were formally arrested at the spot. The petitioner was granted concession of interim bail by this Court, vide order dated 28.02.2024 passed in the aforesaid petition

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i.e. CRM-M-60599-2023 but the said petition was dismissed as withdrawn as mentioned above and the petitioner had surrendered back on 29.08.2024. Since then, he is in custody and is facing trial.

3. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. In fact, the alleged recovered contraband was planted on him. Even otherwise, the quantity of the same does not fall under commercial quantity. It is further argued that the recovery effected from the aforesaid co-accused cannot be added to bring it within the ambit of commercial quantity. Reliance in this regard is placed on the authority cited as ***Amarsingh Ramjibhai Barot vs. State of Gujarat : 2005(7) SCC 550***. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. The petitioner has undergone custody of 01 year, 05 months and 06 days. Conclusion of trial is likely to take time. 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 has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the prosecution, recovery of 110 grams of heroin was effected from the petitioner, whereas 210 grams of heroin was recovered from

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the above named co-accused. The quantity of the contraband recovered from the petitioner does not fall under the commercial quantity. Hence, in view of ratio of law as laid down in *Amarsingh*'s case (supra), it will be a question of debate as to whether the recovery effected from the co-accused can be taken into consideration against the present petitioner to bring it within the ambit of commercial quantity and the same can be decided by the learned trial Court at the final conclusion of trial after appreciating the entire material and evidence placed on record before it. The petitioner has clean antecedents and is not involved in any other case. He has not misused the concession of interim bail granted to him and had surrendered back on the direction of this Court. Thereafter, he is in custody since 29.08.2024. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner 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.

20.08.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*