

CRM-M-19724-2024 (O&M)
CRM-M-54627-2024 (O&M)

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2025.PHHC.049061



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

235+263

Date of Decision:- 08.04.2025

I. CRM-M-19724-2024 (O&M)

MAJOR SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

II. CRM-M-54627-2024 (O&M)

VIJAY SINGH

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Vipin Kumar, Advocate
for the petitioner in CRM-M-19724-2024.

Mr. P.S. Sekhon, Advocate
for the petitioner in CRM-M-54627-2024.

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

1. By way of this common order, the above-mentioned two criminal miscellaneous petitions shall be decided as they arise out of the same FIR.

2. The instant petitions have been preferred by the petitioners



under Section 439 CrPC for grant of regular bail to the petitioners in the following case :-

FIR No.	Dated	Sections	Police Station
99	05.06.2021	21(C), 29 NDPS Act; 25 of the Arms Act	Goindwal Sahib, District Tarn Taran

2. It is, *inter alia*, contended by learned counsels for the petitioners that the petitioners are innocent and have been falsely implicated in this case. They submit that the petitioners are not named in the FIR and their names surfaced in the disclosure statement of co-accused Ninder Kaur, from whom the alleged recovery was effected. They submit that the petitioner-Vijay Singh was arrested on 27.09.2023 and petitioner-Major Singh was arrested on 03.10.2023, however, consequent upon their arrest, no recovery has been effected from them and challan against them, has already been presented in Court. They further submit that the conclusion of trial will take a sufficient long time as no prosecution witness has been examined till date. Thus, they pray for grant of concession of bail to the petitioners.

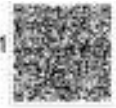
3. *Per contra*, learned State counsel while referring to the status reports filed by the State in the respective petitions, has assailed these arguments by submitting that the petitioners were indulged in the smuggling of heroin and their names cropped up in the disclosure statement of their mother Ninder Kaur, from whom recovery of 300 grams of heroin and 29 live cartridges was effected. He has, however, not disputed that no recovery has been effected from the petitioners.

4. Heard learned counsel for the parties and perused the record.



5. After considering the rival contentions and perusing the record, it is observed that the FIR was registered against co-accused Harjinder Singh and Ajay Sharma, who were apprehended by the police and recovery of 350 grams of heroin was effected from co-accused Harjinder Singh. During their interrogation, they disclosed that they had purchased the said contraband from co-accused Ninder Kaur, who is indulged in the smuggling of narcotics along with her sons namely Gurbaj Singh, Vijay Singh (petitioner in CRM-M-54627-2024) and Major Singh (petitioner in CRM-M-19724-2024). Accordingly, co-accused Ninder Kaur was arrested, who got recovered 300 grams of heroin along with 29 live cartridges. The petitioners were nominated on the basis of disclosure statement made by co-accused Ninder Kaur and accordingly, the petitioners were arrested. Admittedly, no recovery has been effected from either of the petitioners and after the completion of investigation, challan has been presented against them. The prosecution has cited 35 witnesses but till date, none has been examined. The criminal liability, if any, of the petitioners, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioners any longer.

6. Consequently, without commenting on the merits of the case, the present petitions are allowed. The petitioners are ordered to be released on bail subject to their furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and



every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. It is further made clear that in case the petitioners are found involved in any case under NDPS Act, after their release on bail, it will be open for the prosecution to move an application for cancellation of their bail in accordance with law.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

08.04.2025
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No