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

305+307

1. CRM-M-32320-2024 (O&M)

Ranjodh Singh @ Jodha

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-15537-2025 (O&M)

Satinder Singh @ Kala

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision : 09.07.2025

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vipin Mahajan, Advocate
for the petitioner in CRM-M-32320-2024.

Mr. Aadarsh Priyadarshi, Advocate
for the petitioner in CRM-M-15537-2024.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above mentioned two petitions as they arise out of the same FIR and seek similar reliefs.
2. The present petitions have been filed by the petitioners under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to them in case arising out of FIR No. 11 dated 09.03.2024, registered under Sections 21(C), 29 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), Section 25 of the Arms Act, 1959 and Sections 10, 11, 12 of the Aircraft Act, 1934 and Section 52 of the Prison Act at

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Police Station Dorangla, District Gurdaspur.

3. Brief facts of the case relevant for the disposal of the present petition are that on 09.03.2024, a secret information was received that co-accused Gurjeet Singh @ Kalu and Satnam Singh are indulged in the business of smuggling of heroin and on that day, they were coming from Amritsar to Gurdaspur in a car bearing registration number PB-02-CP7100. The aforesaid persons were apprehended by the police party by laying a *naka*. On inquiry, the driver of car disclosed his name as 'Gurjeet Singh', whereas the other person disclosed his name as 'Satnam Singh'. On search, one pistol and four live cartridges were recovered from Gurjeet Singh and from Satnam Singh, 405 grams of heroin was recovered. During investigation, at the instance of aforesaid accused, the drugs money of Rs. 50,000/- each was recovered from them and one drone was also recovered from accused Satnam Singh. Accused Satnam Singh suffered disclosure statement that he was called by one Padda to reach at Indian Oil Petrol Pump, Shahpur Goraya, where they met three persons, who reached there in a car, which was driven by the present petitioner. The two other persons were Harmeet Singh and Joban @ Bamb. He further disclosed that they all went towards the border, where they sent their location to a mobile number of Pakistan and found a packet at that location, which was containing pistols, magazines and live cartridges. Accused Gurjeet Singh had also disclosed that they had picked up 04 kgs. of heroin at the instance of Padda on 13.02.2024, which they had delivered to Padda at his house in Meerat, U.P and consignment was procured through drone and they further delivered the same to Harpreet Singh, Jodha and Dhillon. Similarly, petitioner Satinder Singh @ Kala was also nominated in this case on the basis of the disclosure statement suffered by

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accused Satnam Singh on the allegations of involvement in the subject crime. Petitioner Ranjodh Singh @ Jodha was arrested on 10.03.2024, whereas petitioner Satinder Singh @ Kala was arrested on 26.07.2024. After completion of necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences.

4. Learned counsel for the petitioners have argued that the petitioners have been falsely implicated in this case. They were neither named in the FIR nor found at the spot. They have been implicated in this case on the basis of the disclosure statement suffered by above named co-accused, which is not admissible in evidence against them. No subsequent recovery has been effected from the petitioner. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioners are in custody since long. Conclusion of trial is likely to take a long time as no witness has been examined so far. No useful purpose would be served by keeping them in custody anymore. Similarly situated co-accused Harpreet Singh @ Happy has already been granted concession of regular bail by this Court, vide order dated 19.05.2025 passed in **CRM-M-7053-2025**. On the grounds of parity, the petitioners too deserve the same benefit. It is, therefore, urged that the petitions deserve to be allowed.

5. Separate status reports have been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioners have been nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, their complicity in commission of subject crime has been duly

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established. They were actively involved in the subject crime. Both the petitioners have criminal antecedents. There are serious allegations against them. The trial may be expedited. It is, thus, argued that the petitions are liable to be dismissed.

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

7. The petitioners have been nominated in this case on the basis of the disclosure statement suffered by above named co-accused. Subsequent to arrest of the petitioners, no contraband is shown to have been recovered. Co-accused Harpreet Singh @ Happy, who is at par with the petitioners, has already been granted concession of regular bail by this Court, as mentioned above. Petitioner Satinder Singh @ Kala is shown to be involved in some other cases but in most of the cases, he has either been discharged or acquitted. Petitioner Ranjodh Singh @ Jodha is also shown to be involved in one more case of similar nature but the same alone cannot be made a ground to deny him concession of bail in the given circumstances. It is worth mentioning here that while granting bail to co-accused Harpreet Singh @ Happy, some serious allegations were levelled by him against the police officials and this Court has made following observations:

“...However, as per prosecution, drug money of Rs.2,00,000/- was recovered from him on 16.03.2024. The petitioner has claimed that a demand of Rs.3,00,000/- was raised from his father for not implicating the petitioner in this case. The father of the petitioner is stated to have given that amount to the police by withdrawing the same from his account. A copy of his bank statement showing the relevant entries of withdrawal has been produced on record. Although,

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the authenticity of the same cannot be assessed at this stage, however, a perusal of the order dated 27.03.2024 reveals that while allowing the application moved by the prosecution, the Magistrate concerned has observed that *“the drug money allegedly recovered from the accused Harpreet Singh @ Happy amounting to Rs. 2 Lakhs contained in cloth parcel containing seal of ‘DK’ was recovered on 16.03.2024. However, the same has not been produced in the Court by the Investigating Officer for the reasons best known to him. A perusal of the application, moved by the police on 16.03.2024, seeking remand of the petitioner shows that neither recovery of any contraband nor any drug money effected from the petitioner was shown therein. This fact is even admitted by the respondent-State in the status report that no drug money was shown to have been effected from the petitioner in the remand application and an application in this regard was moved by the police only on 27.03.2024. This is quite surprising that as to how and why this fact was not mentioned in the remand application and why the alleged drug money was not deposited with the Court at the appropriate time. Hence, it creates a serious doubt on the conduct of the police.*

8. At the cost of repetition, it may be mentioned that the sole basis of the implication of the petitioner in this case is the disclosure of the co-accused and recovery of drug money of Rs. 2,00,000/ from him. However, the recovery of drug money itself has become doubtful in the given facts and circumstances as discussed above. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 12.03.2024. He is stated to be on bail in other case. Keeping in view the aforementioned facts and circumstances, which obviously appear to be changed and substantive ones, I am of

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the considered opinion that the petitioner has made out a case for his release on bail. 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.

9. 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.

10. Since the factum of not mentioning the recovery of drug money in the remand application and thereafter keeping it for about 10 days creates a serious doubt on the conduct of the Investigating Officer of this case, the Senior Superintendent of Police, Gurdaspur is directed to hold an inquiry in this regard and take necessary action against the erring police official(s), if so required. After conclusion of inquiry, the Senior Superintendent of Police, Gurdaspur shall submit a report to this Court within a period of 03 months from today.”

8. Now, adverting to the present petitions. The investigation stands completed and challan has been presented in the Court. However, no witness has been examined so far, which means that the trial is substantially delayed. The petitioners are in custody since long. Keeping in view the aforementioned facts and circumstances, I am of the considered opinion that the petitioners are entitled to be released on bail. Accordingly, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing personal/surety bonds to the satisfaction of the trial Court/Duty

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Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioners are found involved in any other subsequent case.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petitions and the same shall have no bearing on the merits of the case.

10. Let a photocopy of this order be placed on the file of the connected case.

09.07.2025

Wasim Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No