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

CRM-M-32500-2025 (O&M)

Reserved on : 23.07.2025

Pronounced on : 29.07.2025

Sahil**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. H. S. Grewal, Advocate
for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in case bearing FIR No. 101 dated 05.09.2023, registered under Sections 21-C, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Kathu Nangal, District Amritsar (Rural).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 05.09.2023, on receipt of a secret information to the effect that Harpreet Singh @ Lovely, who was involved in drug smuggling with Pakistan through drone and Raavi river, was coming in a car make Grand i-10 bearing registration number PB-02-EL-7922 from the side of Gurdaspur to sell heroin. A barrier was laid at the informed place by a police party headed by SI Gopal Singh and he was apprehended while coming in the said car. On

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search of the car, recovery of 15 kgs. of heroin was effected. On interrogation, co-accused Harpreet Singh @ Lovely disclosed that he along with Gagandeep Singh @ Gaggu @ Haddi, Rahul Singh, Gagandeep Singh and Harpreet Singh @ Happy Jatt were involved in smuggling and sale of heroin. During the course of investigation, the aforesaid car was found to be registered in the name of co-accused Gurwinder Singh @ Guri. Co-accused Rahul Singh was also taken into custody in this case by way of production warrant as he was already in custody in connection with some other case. Upon interrogation, he disclosed that co-accused Sakattar Singh and the present petitioner were involved with him in the sale of drugs. On the basis of the same, the petitioner was nominated in this case and was arrested on 24.01.2024. After completion of necessary investigation and usual formalities, *challan* under was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He was neither named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by co-accused Rahul Singh, who himself was arraigned as accused on the basis of the disclosure statement made by another co-accused. No subsequent recovery was effected from him. Even otherwise, co-accused Gagandeep Singh, who was directly named by the main accused Harpreet Singh @ Lovely, from whom the contraband was recovered, has been granted concession of anticipatory bail by this Court, vide order dated 22.04.2024 passed in **CRM-M-11864-2024**. Even co-accused Shehbaz Singh

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@ Sunny @ Sehbaj Singh, Sakatar Singh and Gurwinder Singh @ Guri have been granted concession of regular bail by this Court, vide orders dated 14.02.2025, 05.03.2025 and 07.03.2025 passed by this Court in **CRM-M-29594-2024**, **CRM-M-50038-2024** and **CRM-M-53236-2024**, respectively.

On the grounds of parity, the petitioner too deserves the benefit of bail. He is in judicial custody since 20.01.2024. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed by the respondent-State. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations, the petitioner 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 gone through the record carefully.

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Rahul Singh, who is stated to have been arraigned as an accused in this case on the basis of the disclosure statement made by another co-accused. No subsequent recovery is shown to have been effected from the petitioner. Co-accused Gagandeep Singh, who was directly named by the main accused Harpreet Singh @ Lovely, has been granted concession of anticipatory bail, whereas co-accused Shehbaz Singh @ Sunny @ Sehbaj Singh, Sakatar Singh and Gruwinder Singh @ Guri have been granted concession of regular bail by this Court, as mentioned above. The petitioner is in custody since 20.01.2025. Although, *challan* has been

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presented but only one prosecution witness has been examined so far, which means that the trial is substantially delayed. Keeping in view the aforesaid facts and circumstances, 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.

29.07.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*