

S. No.201

2025:PHHC:020046



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

CRM-M-33574 of 2024

Date of Decision:11.02.2025

Lovepreet Singh alias Preet

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Mr. Surya Kumar, AAG, Punjab.

DEEPAK GUPTA, J. (Oral)

In compliance of the order dated 09.12.2024, additional affidavit of Shri Lakhwinder Singh, PPS, Deputy Superintendent of Police, Sub Division Attari, Amritsar has been filed on behalf of the respondent- State along with the custody certificate. The same are taken on record.

2. By way of present petition filed under Section 439 Cr.P.C, petitioner prays for grant of regular bail in case FIR No.110 dated 04.07.2023 registered under Sections 21, 23, 25, 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 and Section 201 IPC at Police Station Gharinda, Amritsar.

3. This is his second petition. The earlier petition bearing CRM-M-10279 of 2024 (Annexure P.4) was dismissed as withdrawn vide order dated 24.04.2024.

4. As per the prosecution allegations, based upon secret information, co-accused Baldev Singh @ Gurdev Singh was arrested and from his possession, 260 grams of heroin was recovered on the intervening night of 3rd/4th of July, 2023.

5. As per the status report and the additional affidavit filed on behalf of respondent- State, it was disclosed during interrogation by said Baldev Singh @ Gurdev Singh that his son Lovepreet Singh (petitioner) had come in contact with Pakistani



based smuggler through his friend, who had asked him (Gurdev Singh) that they should start smuggling heroin through drone. It is further the allegation of the prosecution that petitioner was arrested on 09.12.2024 and in his disclosure statement, he stated that some person had given a contact number of Pakistani based smuggler and he used to contact him for procuring heroin from Pakistan through drone by sending the location. Gurbir Singh @ Gogi was contacted with inducement of ₹20,000/- per consignment. It was also disclosed by the petitioner that he had sent a location on 03.07.2023 to the Pakistan based smuggler but no heroin was received on that date but on the next date, i.e. 04.07.2023, on the location sent to the Pakistani based smuggler, heroin consignment was dropped at the shed of Hardev Singh, the neighbour of Gurbir Singh, whereupon his father Baldev Singh had collected the consignment of heroin.

6. The additional affidavit filed on behalf of respondent- State further reveals that as per the disclosure statement of the petitioner, after his father Baldev Singh and Gurbir Singh, procured heroin through drone from the Pakistani based smuggler, the mobile phone through which he used to contact the Pakistani based smuggler, had been destroyed by him and that he had thrown the same in drain.

7. It is contended by learned counsel for the petitioner that petitioner has been falsely implicated; that co-accused Baldev Singh from whom the recovery has been effected, has already been allowed bail by this Court vide order dated 03.10.2024. Learned counsel further submits that the entire case of prosecution against him is based only on the disclosure statement with no evidence to link him with any Pakistani based smuggler. It is also contended that the petitioner is in custody for more than 01 year and 03 months and trial is not progressing and so, he be allowed bail.

8. Learned State Counsel has opposed the bail petition by pointing out the role attributed to the petitioner, who was in contact with Pakistani based smugglers, as per his own disclosure statement. Although the petitioner is involved in one more case



pertaining to NDPS Act but he has already been allowed bail in that case as per order dated 26.02.2024 passed by co-ordinate Bench of this Court in CRM-M-391 of 2024, however, prayer is made to reject the bail petition.

9. Heard.

10. Concededly, the recovery of 260 grams of heroin was effected from co-accused Baldev @ Gurdev and not from the petitioner. The entire basis of prosecution case against the petitioner is the disclosure statement suffered by co-ccused Baldev besides the petitioner. As per this disclosure statement, the petitioner used to contact Pakistani based smugglers through drone by sending the location by his mobile. However, the Investigating Agency could not collect any such mobile number or the sim number through which the petitioner was allegedly sending his location. Thus, the entire case is based upon the disclosure statement of the petitioner.

11. As per the custody certificate placed on record today, petitioner is in custody for the last 01 year, 03 months and 07 days. Although he is involved in one more case of NDPS Act vide FIR No.179 dated 24.09.2023 registered at Police Station Gharinda, but he has already been allowed bail in that case as per order dated 26.02.2024 passed by co-ordinate Bench of this Court in CRM-M-391 of 2024.

12. Learned State Counsel also informs that out of 16 witnesses cited by the prosecution, only 02 have been examined so far and thus, trial is likely to take long time to conclude.

13. Having regard to all the afore-said facts and circumstances of the case, but without commenting anything on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to



the satisfaction of trial Court/ Duty Magistrate concerned on usual terms and conditions.

February 11, 2025

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(DEEPAK GUPTA)

JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No