

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2025:PHHC:110468



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CRM-M-28498-2025 (O&M)

Date of Decision: 21.08.2025.

Jatinder singh @ Chindi

...Petitioner.

Versus

State of Punjab

...Respondent.

CORAM: HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Kamal Gupta, Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

SUKHVINDER KAUR, J. (Oral)

Present petition has been filed under Section 482 of BNS, 2023 for grant of anticipatory bail to the petitioner in FIR No.34 dated 18.03.2025, under Sections 21 and 29 of NDPS Act, Sections 25(6), 25(7)(i), 25(8) of Arms Act and Sections 109, 221 of BNS (Section 21-C of NDPS Act added later on), registered at Police Station Jhabal, District Tarn Taran.

As per prosecution case, secret information was received by the police on 18.03.2025 that Ronak Singh @ Ronaki, Ajay Pal Singh @ Ajay Mota and Deepak Kumar @ Deep, who were habitual of supplying drugs, were roaming around in the search of buyers of narcotics and if raid was conducted, they could be apprehended. The police party headed towards the disclosed place and all the aforementioned three accused were apprehended with 447 grams of heroin without any permit or licence. One pistol 30 bore marka CAL-30-Mauser was also recovered along with magazine and live

cartridge from possession of Ajay Pal Singh @ Ajay Mota. During investigation, on the basis of disclosure statement made by Ajay Pal Singh @ Ajay Mota, name of petitioner Jatinder Singh @ Chindi cropped up in the present case. It was stated that the petitioner used to supply the narcotics to the co-accused for selling the same further.

Learned counsel for the petitioner contended that the alleged recovery of the contraband in the present case has not been effected from the petitioner. The petitioner was nominated as an accused only on the basis of disclosure statement of co-accused Ajay Pal Singh @ Ajay Mota. He prayed that custodial interrogation of the petitioner is not required and he is ready and willing to join the investigation and the present petition be allowed.

Notice was issued in this case on 04.06.2025 and status report was called from the State, which was filed on 17.06.2025 in the Court and the same was taken on record.

Learned State counsel opposed the petition and submitted that the petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Ajay Pal Singh @ Ajay Mota, who stated that he had brought the contraband from the petitioner. The recovery allegedly effected in the present case from co-accused falls under purview of 'commercial quantity' as mentioned in the schedule attached with the NDPS Act and provision contained in Section 37 of NDPS Act are attracted. Two other criminal cases have also been registered against the petitioner and as such, he is not entitled to the concession of anticipatory bail.

Heard.

In the present case, the alleged recovery of 447 grams of heroin had been effected from co-accused and no recovery from the petitioner had been effected in the present case. The name of the petitioner surfaced as an accused only on the basis of disclosure statement of co-accused Ajay Pal Singh @ Ajay Mota. As per Annexure P2 i.e. copy of General Diary details, on 20.03.2025, co-accused Ajay Pal Singh @ Ajay Mota suffered the disclosure statement that the heroin which was recovered from him had been brought from his brother-in-law Kulwinder Singh @ Billa and upon delivery of heroin, he was to give Rs.50,000/- to him. The pistol which was being used in the crime, was also ordered by his brother-in-law along with heroin from Pakistan. Thereafter, as per Annexure P3 i.e. copy of General Diary details, co-accused Ajay Pal Singh @ Ajay Mota suffered second disclosure statement on 04.04.2025 and stated that he had made a false confession that the heroin that had been recovered on 18.03.2024 had been brought by him from his brother-in-law Kulwinder Singh @ Billa. Now, he was confessing that he had brought said heroin from Jatinder Singh @ Chindi and he was to get Rs.50,000/- upon delivering it further to a person named Shivaji and the pistols which were recovered from him were brought from Parwinder Singh @ Pinda. Thus, upon this second disclosure statement of co-accused Ajay Pal Singh @ Ajay Mota, the petitioner was nominated as an accused in the present case. As is apparent in his second disclosure statement, co-accused Ajay Pal Singh @ Ajay Mota changed the entire version. Earlier he had named his brother-in-law Kulwinder Singh @ Billa as supplier of the alleged recovered heroin in the present case, but in his later statement, he named the present petitioner being supplier of said contraband and stated that earlier he had made a false statement. Besides

these disclosure statements of Ajay Pal Singh @ Ajay Mota, no other material is on record to connect the petitioner with the alleged recovery in the present case. The recovery in the present case has already been effected from the co-accused. As custodial interrogation of the petitioner is not required for any purpose, so no useful purpose would be served by sending the petitioner behind the bars.

Accordingly, without commenting on the merits of the case, the present petition is allowed. In the event of his arrest, the petitioner is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the BNSS.

However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations recorded above are only for the purpose of deciding the present bail application.

(SUKHVINDER KAUR)
JUDGE

21.08.2025.

Komal

Whether speaking/reasoned? : Yes/ No
Whether reportable? : Yes/ No