



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

228

CRM-M-22869-2025
Decided on : 12.08.2025

Harwinder Singh . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Ruhani Chadha, Advocate and
Mr. Keshav Chadha, Advocate, for the petitioner(s).

Mr. Bareen Pratap Singh, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Harwinder Singh	01	04.01.2025	21 of NDPS Act, 1985 [S. 29 of NDPS Act, added later on]	Kot Ise Khan	Moga

2. Learned counsel for the petitioner contends that recovery of 270 grams of 'Heroin' was effected from the main accused, namely, Deva Singh. Following the registration of FIR and arrest of Deva Singh, the prosecution recorded his disclosure statement, on the basis of which co-accused Sarabjit Singh was implicated in the present case. The allegation against the present petitioner is that the main accused, Deva Singh, was to deliver the recovered contraband to him, as disclosed by Deva Singh at the time of his arrest.

3. It is further submitted that apart from the said disclosure statement, there is no other incriminating evidence against the petitioner, and his implication appears to be solely because he was already known to the police officials, having previously been involved in other cases under the NDPS Act. Learned counsel also points out that co-accused Sarabjit Singh



has already been granted the concession of ad-interim bail by this Court vide order dated **03.07.2025**, passed in **CRM-M-33816-2025**, titled “**Sarabjit Singh v. State of Punjab**”.

4. Learned counsel contends that the petitioner cannot be held to have committed any offence in the instant case merely on the basis of the disclosure statement of a co-accused, in the absence of any recovery of the contraband, or part thereof, from his possession. Accordingly, prayer is made for grant of regular bail to the petitioner.

5. Per contra, learned State counsel, while endorsing the fact that co-accused Sarabjit Singh has already been granted ad-interim anticipatory bail by this Court, as pointed out by learned counsel for the petitioner, also admits that nothing has been recovered from the possession of the petitioner. Even after effecting the recovery in the case, no contraband has been attributed to him. Petitioner is in custody since 06.01.2025, and the process of recording the statements of prosecution witnesses is yet to commence, though charges have already been framed by the trial Court.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. Taking note of all the circumstances and the facts noticed here-above, particularly that nothing has been recovered from the possession of the petitioner and that he has been implicated in the present case solely on the basis of the disclosure statement of the main accused – Deva Singh, from whom 270 grams of ‘Heroin’ was recovered, it would be heavily upon the prosecution to prove the charges against the petitioner by placing strong and cogent evidence to show his involvement in the case in hand. In such circumstances, the liberty of the petitioner cannot be curtailed for an indefinite period. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.



9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

12. Petition stands **disposed of**.

(SANJAY VASHISTH)
JUDGE

August 12, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No