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

CRM-M-30186-2025

Date of decision : 19.08.2025

Jobanjit Singh @ Joban

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gurjeet Singh Kaura, Advocate
Mr. Rangat Joshi, Advocate,
Mr. Amanpreet Singh Dhiman, Advocate,
Ms. Shubh Karman Kaur Kaura, Advocate and
Ms. Kamaldeep Kaur, Advocate
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab assisted by
ASI Balwinder Singh.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.0051 dated 01.05.2024, under Section 25 of Arms Act and Sections 10, 11 and 12 of Aircraft Act, 1934 and later on added the offences (under Section 21-C, 29/61/85 of NDPS Act), registered at Police Station Khalra, District Tarn Taran.

2. Succinctly the facts of the case are that on 01.05.2024, the police received a secret information to the effect that some objectionable material wrapped in an envelope was lying in the fields of Jaswant Singh S/o Jarnail Singh, resident of Kalsia. On receiving the secret information, raiding party was constituted and the same reached at the place disclosed, wherein a pistol wrapped with tape of yellow and white colour was found. On removing the tape, a pistol of brown colour was found on which 'Made in Austria' was written. The same was taken into possession. It was



found that the pistol was called for by an unknown person from Pakistan and dropped at the place of occurrence through drone and thus, the FIR was registered for the offence under the Arms Act and Aircraft Act. On registration of the FIR, investigation commenced. During investigation the complicity of the petitioner was surfaced on 06.05.2024 and resultantly, he was arrested on 18.05.2024. On his disclosure, 300 grams heroin was recovered. On the basis of disclosure statement of the co-accused, more amount of heroin was recovered and thus, the total heroin being 2.240 kg was recovered. The samples taken were sent to the FSL. The petitioner approached the learned Judge, Special Court, Tarn Taran for grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court, Tarn Taran vide order dated 02.12.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present third petition.

3. It has been vehemently contended by counsel for the petitioner that the petitioner has been falsely roped in the present case in a premeditated manner. He submits that the report was sent on 01.05.2024 itself by BSF to Station House Officer, Police Station Khalra, District Tarn Taran. The same would show that ASI Sukhdev Singh who has registered the FIR was part of the searching team along with the BSF. He thus, submits that the instead of registration of the FIR on the information of the BSF, the FIR was registered on the distorted version, wherein there is no mention about the information sent by the BSF. He submits that the report sent by the BSF would show that ASI Sukhdev Singh was himself a part of the searching team along with the BSF. He thus, submits that false implication of the petitioner is writ large. It is submitted that the petitioner was roped in the present case on the basis of a secret information allegedly



received on 06.05.2024 and thereafter, he was arrested on 18.05.2024. He submits that there is violation of Section 42 of NDPS Act and compliance of Section 50 of NDPS Act, was mandatory, however, there is violation of the same as well. He submits that recovery of 300 gram of heroin was planted upon the petitioner. It is submitted that though the total recovery was alleged in the present case is of 2.240 kg heroin but from the petitioner, it is only 300 grams of heroin, admittedly. He submits that the petitioner has no criminal antecedents and he is behind bars from the date of his arrest and thus, he has completed an incarceration of more than 01 year of his custody, however, there is no material progress in the trial. It is thus submitted that in the facts and circumstances of the present case, he deserves to be granted regular bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He submits that the timing of the report sent by the BSF and that of the FIR, clearly shows that the FIR was lodged by the State prior to the receipt of information received from BSF. He submits that the petitioner is involved in smuggling of heroin by using drones across the borders. He submits that during investigation, complicity of 09 accused has surfaced out of which 07 accused have already been arrested. However, he submits that on the disclosure of petitioner, 300 grams of heroin was recovered from the house of the petitioner. He, on instructions, has submitted that out of 17 prosecution witnesses, only 03 witnesses have been examined. He has produced the custody certificate of the petitioner.

5. On hearing counsel for the parties and perusing the record, it is apparent that the present FIR was lodged on the basis of secret information received by the police on 01.05.2024. The name of the



petitioner was surfaced on 06.05.2024 and on his disclosure 300 grams of heroin was recovered. The petitioner is behind bars since 18.05.2024. As submitted before this Court, only 03 witnesses have been examined out of total 17 prosecution witnesses. The perusal of the custody certificate shows that the petitioner has suffered incarceration of 01 year, 02 months and 22 days as on 18.08.2025. It further reflects that the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

19.08.2025

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(**RAJESH BHARDWAJ**)
JUDGE

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