

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

2025:PHHC:139486



Date of decision: 08.10.2025.

(1)

CRM-M-8975-2025 (O&M)

DILBAGH SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

(2)

CRM-M-30211-2025 (O&M)

KAMALDEEP PATHAK ALIAS KAMALDEEP

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Bipan Ghai, Sr. Advocate, with
Mr. Nikhil Ghai, Advocate, and
Mr. Nikhil Thamman, Advocate,
for the petitioner in CRM-M-8975-2025.

Mr. Simranjeet Singh Sidhu, Advocate,
for the petitioner in CRM-M-30211-2025.

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

Both the above-mentioned petitions seeking grant of regular bail are being decided by a common order since they arise out of the same FIR.

2 The present petitions have been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioners in case bearing FIR No.45 dated 28.07.2024, under Section(s) 21, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985; Section 25 of the Arms Act, 1959 and Sections 111 and 61(2) of the Bharatiya Nyaya Sanhita, 2023 registered at Police Station State Special Operations Cell, Intelligence Wing, District Amritsar.

3 As per the case of the prosecution, a secret information was received that two smugglers Kinderbir Singh @ Sunny Dyal and Gurjant Singh against whom a number of cases regarding smuggling narcotics, possessing illegal weapons, demanding extortion, etc. are pending, are operating from USA. Accused Dilbagh Singh and Kamldeep who are residing in Muskan Avenue Area, Amritsar are supplying heroin to different persons on their directions. A specific information was received that both Dilbagh Singh and Kamldeep are commuting in a car bearing registration

NO.PB-08-DM-3789 and from their possession heroin, illegal weapons and drug money can be recovered. Accordingly the case was registered and Car NO.PB-08-DM3789 was intercepted and from this Car, Rs.1 Crore 7 lakhs were recovered which were taken into police possession as drug money and further investigation in the matter is going on since then.

4 Learned Senior counsel for the petitioner(s) contends that the petitioners have been falsely implicated in the above said FIR on the basis of a secret information in relations to persons namely Kinderbir Singh @ Sunny Dyal and Gurjant Singh who are residents of USA and are allegedly operating in drug trade. He contends that as per the secret information, the petitioners were alleged to be in possession of the contraband for further distribution as well as illegal weapons, however, on being intercepted by the police, neither any weapons nor any contraband/narcotic was recovered from the petitioners and only a sum of Rs.1,07,000,00/- was recovered. He submits that thereafter on completion of investigation, no evidence has been collected by the investigating agency to establish conclusively that the money in question is drug money and the petitioners had acquired the aforesaid money by sale of narcotics. He submits that the petitioners are in custody since 28.07.2024. He further submits that the charges have been framed and three witnesses have already been examined. He submits that the offences either under the NDPS Act or under the Arms Act are not made out and it is at best a case of recovery of unexplained cash for which criminal prosecution cannot be launched.

5 State counsel, on the other hand, contends that the petitioner Dilbagh Singh has been involved in another case under the NDPS Act,

which shows that the said petitioner is involved in narcotic trade and hence, the case has been rightly registered. He contends that the aforesaid recovery of a huge sum of Rs.1,07,000,00/- is drug money. He is, however, not in a position to refer any evidence regarding the specific allegations at this stage to link the aforesaid money to the drug trade. He does not dispute that no contraband/narcotic was recovered from the petitioners at the time of interception and arrest. The period of custody of the petitioners is also not in dispute. He also does not dispute the contention that petitioner Dilbagh Singh was involved in the case under the narcotic drugs, and was convicted in the year 2017, however, his sentence was reduced to the period already undergone by him and that there has been no subsequent involvement. He also does not dispute the fact that petitioner Kamaldeep Pathak @ Kamaldeep is not involved in any other criminal case. The stage of trial is also not disputed.

6 Having heard the learned counsel for the parties and taking into consideration the allegations levelled; the period of custody, the nature of offence, the recovery as well as the facts noticed above, the present petitions are allowed. The petitioners are ordered to be released on bail on their furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

7 It is made clear that the petitioners shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

8 The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case

on the basis of available material.

9 A photocopy of the order be placed on the connected file(s).

October 08, 2025.

(VINOD S. BHARDWAJ)

raj arora

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*