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

**CRM-M-54468-2024 (O&M)  
Date of decision: 28.03.2025**

**Rajeev Kumar @ Happy**

**...Petitioner**

**Versus**

**State of Punjab**

**...Respondent**

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Vinod Ghai, Senior Advocate with  
Mr. Arnav Ghai, Advocate  
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

**MANISHA BATRA, J. (Oral)**

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 94 dated 19.06.2024, registered under Sections 21(C), 29 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chheharta, District Police Commissionerate Amritsar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 19.06.2024, on the basis of the secret information, co-accused Gurjant Singh @ Janty and Jaspal Singh @ Pala were apprehended by a police party headed by Inspector Amandeep Singh and recovery of 01 kg. 500 grams of heroin was effected from him. During interrogation, co-accused Gurjant Singh @ Janty disclosed that Jagan Nath and Raj Kumar used to collect drug money from him. On the basis of the same, both of the aforesaid persons were nominated in this case and while coming in a car

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bearing registration number DL-5CH-3024, they were arrested on 21.06.2024 and recovery of drug money of Rs. 27.10 Lakhs was effected from them. On the basis of the disclosure statements suffered by co-accused Jagan Nath and Raj Kumar, one Kheta Ram was nominated and arrested in this case. Recovery of drug money of Rs. 55 Lakhs along with a note counting machine was effected from his residence. On interrogation, he disclosed that he used to have conversation with the present petitioner on his mobile phone with regard to money dealing. As such, the present petitioner was also nominated in this case and was arrested on 30.06.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 22.7.2024.

3. Learned senior counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is neither named in the secret information nor in the FIR. He has been nominated in this case on the basis of a serious of disclosure statements made by the co-accused, which is not admissible in evidence. No subsequent recovery has been effected from him. There is nothing on record to connect the petitioner with the subject crime. Even otherwise, investigation has since been completed and *challan* has been presented. Conclusion of trial is likely to take time. The petitioner is in judicial custody since 30.06.2024. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular

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bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity in subject crime has been duly established. He was involved in dealings of drug money with co-accused Kheta Ram. Call details record of the petitioner with co-accused Kheta Ram has been procured and the analysis of the same reveals that the petitioner was in constant touch with him over phone. Trial is going on at proper pace. Hence, it is urged that the petition is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. As per the allegations, the petitioner was involved in dealing of drug money with aforesaid co-accused Kheta Ram and used to have conversation with him over phone. The petitioner was named by co-accused Khetra Ram with aforesaid allegations. A perusal of the status report reveals that even Kheta Ram was nominated in this case on the basis of the disclosure statements suffered by above named co-accused Jagan Nath and Raj Kumar, who themselves were named by the main accused Gurjant Singh @ Janty and Jaspal Singh @ Pala, who were apprehended by the police party on 19.06.2024 and from whose possession, recovery of 01 kg. 500 grams of heroin was effected. Admittedly, no contraband or drug money has been recovered from the petitioner. He has clean criminal antecedents. His name has surfaced in this case on the basis of a series of disclosure

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statements suffered by co-accused. Mere call details, without the transcript of the conversations exchanged between the co-accused and the petitioner, would not be considered to be corroborative material in absence of substantive material found against the petitioner. Investigation has since been concluded and *challan* has been presented. The trial is likely to take time. The petitioner is in custody since 30.06.2024. Keeping in view the aforesaid facts, I am of the considered opinion that no useful purpose would be served by keeping him in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

**28.03.2025***Parveen Sharma***(MANISHA BATRA)  
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*