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

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CRM-M-6641-2025 (O&M)
Date of decision: 12.05.2025

Tasveer Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Namit Gautam, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 13 dated 27.02.2024, registered under Sections 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Kathunangal, District Amritsar. The first petition, bearing number **CRM-M-46960-2024**, was dismissed by this Court on 12.12.2024.

2. The petitioner has been nominated in the aforesaid case on the basis of the disclosure statement suffered by co-accused Sukhdev Singh, who was apprehended by the police party on 27.02.2024 and from whom recovery of 270 grams of heroin was effected. The allegations against the petitioner are that he had got supplied the recovered contraband to co-accused Sukhdev Singh from co-accused Sartaj Singh.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on

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the basis of the disclosure statement suffered by co-accused Sukhdev Singh, which is not admissible in evidence. Even otherwise, the allegations levelled against the petitioner that co-accused Sukhdev Singh had procured the recovered contraband from co-accused Sartaj Singh through the present petitioner are patently wrong and baseless as the petitioner was in judicial custody since the year 2017 and was undergoing sentence of 20 years awarded to him in other case. His sentence in the said case was suspended by this Court only on 28.11.2024, vide order of the said date passed in **CRM-21657-2024** in **CRA-D-192-2024** (Annexure P-2). However, he has been taken into custody by way of production warrant in this case on 12.03.2024 and alleged recovery of the contraband was effected from the co-accused on 27.02.2024, which is the period when the petitioner was in judicial custody. Hence, in the given facts and circumstance, it is apparent that the petitioner has been falsely implicated in this case. It is further argued that the petitioner is in judicial custody since 12.03.2024. The trial is likely to take a long time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as he was involved in supplying the contraband to co-accused Sukhdev Singh. The allegations against his are quite serious. Trial is going on at proper pace. The petitioner is involved in one more case of similar nature. It is also argued that if the

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petitioner is released on bail, he can abscond or indulge in similar offences. It is, thus, argued 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. The petitioner has been nominated in this case on the basis of the disclosure made by co-accused Sukhdev Singh, who was apprehended by the police party on 27.02.2024 and from whom recovery of 270 grams of heroin was effected. It is the case of the prosecution that co-accused Sukhdev Singh had purchased the recovered contraband from co-accused Sartaj Singh through the present petitioner. However, a perusal of the record reveals that the petitioner was in the judicial custody since the year 2017 and was undergoing sentence of 20 years awarded to him in other case and his sentence had been suspended only on 28.11.2024. Even in this case, he was taken into custody by way of production warrant on 12.03.2024. This raises a serious question on the implication of the petitioner in this case. On a specific query put to learned State counsel as to how the petitioner, while in custody, was able to get the recovered contraband supplied to above named co-accused, she has not been able to give any satisfactory reply in this regard. In view of the same, the false implication of the petitioner cannot be ruled out at this stage. He is in custody since 12.03.2024. The trial is likely to take time. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by keeping the petitioner 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.

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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.

12.05.2025

Wasem Ansari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No