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

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**CRM-M-5879-2025 (O&M)
Date of decision: 02.04.2025**

Jatinder Singh**...Petitioner**

Versus

State of Punjab**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Jashandeep Singh Sandhu, Advocate
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, 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. 35 dated 17.02.2024, registered under Sections 21B, 25, 27A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) and Section 25 of the Arms Act, 1959 at Police Station Chheharta, District Amritsar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 17.02.2024, co-accused Jaspal Singh @ Prince was apprehended by the police party and recovery of 200 grams of heroin, one .32 bore pistol along with 03 live cartridges was effected from him. Subsequently, one more pistol was recovered at his instance. During the course of investigation, he disclosed that he had purchased 250 grams of heroin and aforesaid pistols and live cartridges from one Lakhbir Singh @

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Lakha. He also disclosed that the present petitioner and one Rashpal Singh @ Pali, who were his friends, were also involved in selling heroin. On the basis of the same, the petitioner and said co-accused were nominated in this case and were arrested on 18.03.2024 by way of production warrant as they were already in custody in connection with some other case. 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 10.07.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused, which is not admissible in evidence against him. No subsequent recovery has been effected from him. No independent witness was joined at the time of effecting alleged recovery. The petitioner has been falsely implicated in two more cases of similar nature but he is on bail in those cases. 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 18.03.2024. No useful purpose would be served by keeping him in custody anymore. Co-accused Jaspal Singh @ Prince, from whom the alleged recovery was effected, has already been granted concession of regular bail by this Court, vide order dated 13.11.2024 passed in **CRM-M-28750-2024**. On the grounds of parity, the petitioner too

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deserves to be granted the same benefit. Therefore, it is 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 Deputy Advocate General, Punjab has argued that though the petitioner was nominated in this case on basis of the disclosure statement suffered by the co-accused but during the course of investigation, his complicity has been established. He is involved in two more cases of similar nature. The trial is going on at a 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. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Jaspal Singh @ Prince, who was apprehended by the police party at the spot and from whose possession, the aforesaid recovery was effected. The allegations against the petitioner are that he was also involved with the co-accused in selling heroin. The petitioner is in custody since 18.03.2024. Main accused Jaspal Singh has already been granted concession of regular bail by this Court, as mentioned above. *Challan* has been presented. Trial is likely to take time. The petitioner is on bail in other cases registered against him. Keeping in view the aforesaid facts and circumstances, 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 bail, subject to his furnishing personal/surety bonds to the

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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.

02.04.2025

Wasim Anvari

**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No