



**226-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1) CRM-M-1661-2025
Date of decision: 02.04.2025

Vishal KhannaPetitioner

Versus

State of Punjab ...Respondent

2) CRM-M-2030-2025

Vishnu Kumar @ VishnuPetitioner

Versus

State of Punjab ...Respondent

3) CRM-M-4626-2025

RaviPetitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rajat Dogra, Advocate
for the petitioner (in CRM-M-1661-2025).

Mr. Rajiv Kumar Saini, Advocate
for the petitioner (in CRM-M-2030-2025).

Mr. G.S. Simble, Advocate
for the petitioner (in CRM-M-4626-2025).

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This common order shall dispose of the aforementioned three petition(s) as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from CRM-M-1661-2025.

These petitions have been filed under Section 483 of Bharatiya



CRM-M-1661-2025
 CRM-M-2030-2025
 CRM-M-4626-2025

-2-

Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No.110 dated 21.09.2024 under Sections 21/29/27-A of NDPS Act, Section 25 of Arms Act and Sections 10/11/12 of Aircraft Act, 1934, registered at Police Station Dera Baba Nanak, Police District Batala, District Gurdaspur.

Prosecution story set up in the present case as per the version in the FIR reads as under:-

*No-Ops/Apprehension/E/27 BN BSF/2024/454 Office of the Coy Commander 'E' Coy, 27 Battalion, BSF BOP Metla, DBN Distt-Gurdaspur (Punjab) Dated 21 Sept 2024 To The Officer in-charge/SHO Police Station DBN Distt-Gurdaspur (Punjab) Sub: LODGING OF FIR Reference Coy Comdr E Coy BOP Metla request letter No OPS/UAV-DRONE/E/27 BN/2024/453 dated 19.09.2024 regarding lodging an FIR for Drone intrusion occurred in the intervening night of 18/19 September 2024 at about 2335 hrs and your FIR/DDR No 048 dated 19.09.2024 2. BSF party was continuously carrying out Small Team Search operation in the depth area behind BOP Metla suspected dropping to of trace out narcotic the Item/fallen drone after drone Intrusion on 18-19 Sept 2024. 3 On 21st September 2024 at about 1100 hrs, a reliable source informed SI/G Radhe Shyam, who was carrying out search operation in with Insp/G Mukesh Singh, FGT Gurdaspur and HC/G SM Patil, Unit G cell, about suspected movement of unknown vehicle with 3 person who had been seen searching something in the paddy field of general area Village Machharala. Source also informed that persons in the vehicle do not belong the area. On receipt of information BSF party consisting of Sh Subhash Chandra, AC Coy Commander BOP Metla, Inspector/G Mukesh Singh, FGT Gurdaspur, SI/G Radhe Shyam, HC/G SM Patil with troops of immediately rushed 27 battalion BSF to the spot in the general area of village Machhrala, where the suspected vehicle informed to be roaming, BSF also informed local police SHO DBN for carrying out joint search of the suspected vehicle. The vehicle was stopped by joint search party of BSF and police, following three persons were in the vehicle No HR 26 BN 6707 Cheverolet Cruze LTZ color Black (as per the details given by the vehicle driver and 2 passengers and document recovered from them) i. Shubhdeep singh age about 20 years S/O gurdev singh Vill Dhanoa khurd, khasa Amritsar ii. Harjit singh age 26 years S/O Sukhchain singh, Vill khasa, PS-krinta Amritsar (age 26 years as per PAN card) iii Taqdir singh age about 20 years, S/O Jasvir singh, Vill-Boparai khurd PS-Krinta, Amritsar 4. On searching of the suspected persons following items were recovered i. Bank passbook of HDFC acc no-50100675174114 name Sukhdeep singh ii. Cheque book of same person iii. Debit Card of pnb-6070936218271994 iv. Pan card no R/o Harjeet singh no-JMBPS25590 Aadhar card no Harjeet singh no 353208834838 vi. Gurdev singh, aadhar vii. Lovepreet 326098350291 no Singh aadhar viii. Driving 684418351075 card no licence-PB02V5536 DATE OF registration 17/07/24 Validity -11/07/2039 Robinpreet singh s/o Ranjeet Singh Khasa, Amritsar ix. Details of INR as Drug money 500-85-42,500/-200-21-4,200/-, 100-6-600/-, 50*12-600/, 20*1-20/-10-7-70/- Total 47,990/-Us dolar 1 dolar (one note) Japanese yen-1000 (one Note) 5 It has also be informed that is similar vehicle was*



CRM-M-1661-2025
CRM-M-2030-2025
CRM-M-4626-2025

-3-

found roaming in the general area of village macharla at about 0137 hours on intervening night of 18th oblique 19 September 2024 and the vehicle has also been captured in the CCTV footage (copy enclosed). The above suspects may have been involved in the drone intrusion incident occurred on 18/19 Sept 2024 and were roaming in the area to trace out dropped consignment, Which could not be traced by them 6 In view of above it is requested FIR be lodged that the name of the above suspects in continuation of the DDR No 048 dated 19.09.2024 regarding drone intrusion occurred on 18.09.2024 for further investigation in the matter. It is also requested that progress if any, made in this case also may be intimated regularly to BSF for updating the records and follow action up at our end.

Learned counsel for the petitioners in CRM-M-1661-2025 and CRM-M-2030-2025 *inter alia* contends that there is no legal evidence against the petitioners and the petitioners have been falsely implicated in the present case. The allegations against the petitioners, namely, Vishal and Vishnu are that they had allowed the main accused to stay in the hotel in which both were working as Managers without obtaining I.D. proofs. Apart from these allegations, there is no evidence to connect the petitioners with the alleged recovery of the contraband. The petitioners are not involved in any other case. Further, the petitioners have been nominated only on the basis of disclosure statement made by co-accused, namely, Shubhdeep Singh during his custodial interrogation. As many as 23 persons have been nominated as an accused, whereas, initially, only three persons were apprehended when the alleged contraband was recovered.

Learned counsel for the petitioner in CRM-M-4626-2025 submits that the allegations against the petitioner is that he has provided the SIM card to the main accused-Shubhdeep Singh. The petitioner was not aware that the main accused was using the SIM card for illegal activities and he is having clean antecedents and is not involved in any other case. The petitioner, namely,



CRM-M-1661-2025
CRM-M-2030-2025
CRM-M-4626-2025

-4-

Ravi, has been nominated as an accused on the basis of disclosure statement made by the co-accused while in police custody which has no evidentiary value in the eyes of law. He has undergone a period of more than six months of actual custody and the investigation of the case is complete.

The learned State counsel has filed custody certificate in the Court today which is taken on record and per contra, opposes the grant of regular bail to the petitioner on the ground of seriousness of the offence, however, he could not controvert the fact that not even a single witness has been examined till date.

A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioners, namely, Vishal Khanna, Vishnu Kumar @ Vishnu are behind the bars since 29.09.2024 and petitioner,



CRM-M-1661-2025
CRM-M-2030-2025
CRM-M-4626-2025

-5-

namely, Ravi is behind the bars since 06.10.2024. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case has not made much progress as out of 34 prosecution witnesses, none has been examined so far. The culpability, if any, would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioners. Keeping the petitioners in further detention without the prospect of the trial being concluded in the near future, would be violative of their rights under Article 21 of the Constitution of India.

In view the above, the present petitions are allowed. Thus, without commenting upon the merits of the case lest it may prejudice the outcome of the trial, the petitioners, namely, Vishal Khanna, Vishnu Kumar @ Vishnu and Ravi are ordered to be released on regular bail during trial on their furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

02.04.2025

Neha

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