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

CRM-M-31455-2025

Date of Decision:08.07.2025

OM SINGH

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Karan Maini, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, Deputy, A.G., Punjab.

N.S.Shekhawat J. (Oral)

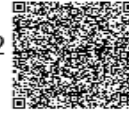
1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.0020 dated 16.09.2024, registered under Sections 21(c) & 29 of Narcotic Drugs & Psychotropic Substances Act, 1985, Police Station State Special Operation Cell, Fazilka, District Intelligence Wing (CID).

2. The FIR in the present case was registered on the basis of the statement made by ASI Gurmeet Singh and the same has been reproduced below:-

"Station House Officer, Police Station State Special Operation Cell, Fazilka. Sat Shri Akal. Today myself ASI along with ASI Hardayal Singh 2477/Ferozepur, HC (P) Parhlad Rai 75/2147, HC (LR) Harsimran Singh No. 75/2075, HC (LR)



Amandeep 2122/Intelligence, HC Vinod Kumar 228/Intelligence, Senior Constable Kulwinder Singh 2C/514, Senior Constable Rajinder Kumar 690/Bathinda, IA Kewal Krishan 2346/Intelligence, IA Navdeep Kumar 2312/Intelligence (Computer Operator) along with arms ammunition/I. O. Kit, Portable Generator and Printer in connection with confidential duty and search of suspicious persons boarded on the official vehicle make Bolero bearing registration No. PB-65-AK-8424 the driver of which is Senior Constable Sandeep Kumar 862/Fazilka were departed in the area of Sub Division Fazilka and Indo Pak Border Area, then as when the police party reached at the Chowk of Village Mumbeki from Fazilka, then the officer of BSF namely Shri Rajindra Parshad Bhakal (Assistant Commandant) No.41426158 along with Inspector Arun Kumar Upadhaya No. 070010790, S.I. Dinesh No. 163102984. SI Gajal Singh No. 86855501, HC Kewal Krishan No. 90109821, HC Dalip Chand No. 030005002, Constable Rahul Singh No. 11544572 and Constable Ramij Raja Biswas No. 120805288 before chowk met present, after joining whom in the party, barricading was started, then during the course of barricading secret informer after coming before myself ASI gave information that Puran Singh son of Mangat Singh, resident of Village Mohammad Peera, Police Station Sadar Fazilka, District Fazilka and Sukhwinder Singh alias Sukha son of Jagtar Singh, resident of Mumbe Ki (Dhani Wadda Mumbe Ki), Police Station Sadar Fazilka, District Fazilka who are doing the trade of smuggling of heroin and even now they by contacting with the smugglers in Pakistan have ordered heroin in huge quantity through drone, if after apprehending the above mentioned persons just now, their search may be conducted that heroin in huge quantity can be recovered from their possession and this information is cogent and reliable, regarding which the same has been brought to the notice of the DSP, SSOC, Fazilka. To do so by Puran Singh son of Mangat Singh, resident of Village



Mohammad Peera, Police Station Sadar Fazilka, District Fazilka and Sukhwinder Singh alias Sukha son of Jagtar Singh, resident of Village Mumbe Ki (Dhani Wadda Mumbe Ki), Police Station Sadar Fazilka, District Fazilka fulfills the definition of offence under Section 21c, 29-61-85 NDPS Act. Hence after writing ruqa regarding getting registered the case against the above mentioned Puran Singh son of Mangat Singh, resident of Village Mohammad Peera, Police Station Sadar Fazilka, District Fazilka and Sukhwinder Singh alias Sukha son of Jagtar Singh, resident of Mumbe Ki (Dhani Wadda Mumbe Ki), Police Station Sadar Fazilka, District Fazilka is being sent to the Police Station SSOC Fazilka through Senior Constable Rajinder Kumar 690/Bathinda. After registering the case, FIR number may be informed. After preparing report under Section 42 of NDPS Act, the same is being sent to the DSP, SSOC, Fazilka. After preparing the special reports, the same may be sent to the Ld. Area Magistrate as well as Senior Officers. Information may be given to PCR. Myself ASI along with police force and after having been accompanied with BSF officer namely Rajindra Parshad Bhakal (Assistant Commandant) No.41426158 along with force departs toward the place disclosed by the secret informer regarding recovery and arrest of accused persons. In the area of Chowk Village Mumbe Ki AT 08:25 PM. Sd/-ASI Gurmeet Singh 2643/Intelligence, Police Station SSOC Fazilka dated 16.09.2024”.

3. Learned counsel for the petitioner contends that the petitioner was not initially named in the FIR and his name surfaced only during the course of investigation in the disclosure statement suffered by co-accused Puran Singh and Sukhwinder Singh. He further submits that the recovery of 01 kg. of heroin was effected from Puran Singh and Sukhwinder Singh only and nothing was recovered from the petitioner. Learned counsel further contends that except the



disclosure statement suffered by the co-accused, there is no other legally admissible evidence against the petitioner. The petitioner was arrested on 08.10.2024 and is in custody for the last about 09 months. The police has already presented the challan against the petitioner and no witness has been examined so far.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, admittedly no recovery of contraband was effected from the petitioner and the prosecution has yet to lead evidence with regard to the involvement of the petitioner in the crime. The petitioner is stated to be in custody for the last about 09 months and challan has already been presented against him. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

08.07.2025
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(N.S. SHEKHAWAT)
JUDGE

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