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

**CRM-M-12683-2025 (O&M)
Reserved on : 22.07.2025
Pronounced on : 25.07.2025**

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

Present:- Mr. Rishu Mahajan, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case bearing FIR No. 30 dated 07.03.2024, registered under Sections 21(C) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), Sections 25(1B)a, 25(7), 25(8), 29 and 30 of the Arms Act and Sections 353, 186 and 307 of the IPC at Police Station Shahkot, District Jalandhar. The previous petition, bearing number **CRM-M-51523-2024**, was dismissed as withdrawn on 18.12.2024.

2. Brief facts of the case relevant for the disposal of the present petition are that on 07.03.2024, a secret information was received by ASI Parvinder Singh to the effect that Vikas @ Vicky Bhawan, Akashdeep Singh @ Arsh, Pardeep and co-accused Gurpreet @ Gopi were indulged in the business of sale of heroin and illegal weapons in the area of Shahkot and were also involved in offences of snatching. Believing the information to be reliable, a

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police party headed by Inspector Yadwinder Singh reached at the informed place. Two persons were seen coming, who on seeing the police party ran into the street. Thereafter, both of them ran in different directions and the police officials started chasing them. The person, who was being chased by Inspector Yadwinder Singh, fired a shot with his country made pistol upon the police officials but it did not hit anyone. In retaliation, the Inspector Yadwinder Singh also fired a shot, which hit on the right leg of that person and he fell down. On inquiry, he disclosed his name as 'Vikas @ Vicky Bhawan'. A country made pistol and 04 live cartridges were recovered from him. The second person was also apprehended by the police party headed by ASI Mandeep Singh. On inquiry, he disclosed his name as 'Arshdeep Singh @ Arsh'. On his search, 260 grams of heroin and drug money of Rs.21,000/- was recovered from him. During investigation, it surfaced that the real name of co-accused Akashdeep Singh @ Arsh was in fact 'Arshdeep Singh @ Arsh'. Upon interrogation, Arshdeep Singh @ Arsh disclosed that the recovered contraband and illegal weapons were brought by co-accused Pardeep and Gurpreet Singh @ Gopi and only they could disclose from where they procured the same. Thereafter, on 16.03.20-24, both the said co-accused were arrested. They admitted their guilt and involvement in the subject crime. They disclosed that co-accused Pardeep Kumar, Gurpreet Singh @ Gopi, Arshdeep Singh @ Arsh, Vikas @ Vicky Bhalwan, Ajay Kumar and the present petitioner had formed a group and were indulged in smuggling of heroin from Vinod Kumar @ Mota. On the basis of the same, the petitioner was nominated in this case as an accused and was arrested on 09.08.2024. After completion of necessary investigation and usual formalities, *challan* was presented before the Court and presently, the petitioner

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along with the co-accused is facing trial for commission of aforementioned offences.

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 the basis of the disclosure statement suffered by above named co-accused, which is not admissible in evidence. The petitioner was neither present at the spot nor any recovery has been effected from him. There is nothing on record to connect him with the subject crime. No *prima facie* case for commission of offence under Section 307 of IPC or under the provisions of the Arms Act is made out against him. Even otherwise, investigation has since been completed and *challan* has been presented. The petitioner is not involved in any other case. He is in custody since 09.08.2024. The trial is likely to take time to conclude as no witness has been examined so far. No useful purpose would be served by keeping the petitioner in custody anymore. Co-accused Gurpreet Singh @ Gopi has already been granted concession of regular bail by this Court, vide order dated 14.05.2025 passed in **CRM-M-9751-2025**. On the grounds of parity, the petitioner too deserves the same benefit. It is, therefore, urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that keeping in view the gravity of the allegations, the petitioner is not entitled to get benefit of bail. 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

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disclosure statement suffered by above named co-accused. Subsequent to his arrest, no recovery is shown to have been effected from him. He has clean antecedents and is not involved in any other case. He is in custody since 09.08.2024. A perusal of the status report reveals that investigation has since been completed and *challan* has been presented. There are total 20 prosecution witnesses and none has been examined so far. It goes to show that conclusion of trial is likely to take time. Co-accused Gurpreet Singh @ Gopi has already been granted concession of regular bail, as mentioned above. Keeping in view the aforesaid facts and circumstances, 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. 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.

25.07.2025

Waseem Ansari(MANISHA BATRA)
JUDGE*Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*