



244

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

CRM-M-49064-2025

Date of decision :09.09.2025

Lovejeet Singh @ Love

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Rajveer Singh Brar, Advocate and  
Ms. Gurpreet Kaur, Advocate  
for the petitioner.

Mr. Raj Karan Singh, A.A.G., Punjab.

**RAJESH BHARDWAJ, J. (Oral)**

1. Present petition has been filed for grant of regular bail to the petitioner in case FIR No.27 dated 30.04.2025, under Sections 21 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Ajitwal, District Moga.

2. Succinctly the facts of the case are that on 30.04.2025, the police party while on patrolling, received a secret information to the effect that Harpinder Singh @ Jugnu and Gurpreet Singh @ Gopi were involved in selling of Heroin. It was informed that both of them have been seen riding on their motorcycle make Hero Splendor Plus bearing No.PB 47 G 1192, and were standing near Sua Bridge on the main Highway and they were to go to village Kokri Phula Singh to supply heroin and if the barricading is laid, they could be arrested along with the contraband. On receiving the information, the raiding party was constituted and



barricading was laid at the disclosed place. The motorcycle was seen coming on which 02 persons were riding. They were stopped and on asking, they disclosed their names to be Harpinder Singh @ Jugnu and Gurpreet Singh @ Gopi. They were suspected to be carrying some contraband, thus, their personal search and search of the motorcycle was conducted. On conducting the search of motorcycle, 250 grams of heroin was recovered which was kept in a polythene. Both of them failed to produce any licence regarding possession of the same. Thus, they were arrested on the spot. Samples taken were sent to the FSL. During investigation, on the basis of disclosure statement of co-accused, complicity of the petitioner was surfaced and thus, he was also arrayed as an accused and resultantly, he was arrested on 30.04.2025. The petitioner approached the learned Additional Sessions Judge, Moga for grant of bail, however, after hearing both the sides, the same was declined by the trial Court vide order dated 04.07.2025. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He submits that neither the petitioner is named in the secret information nor any recovery has been effected from him, however, he has been implicated on the basis of disclosure statement of the co-accused from whom the alleged contraband weighing 250 grams of heroin, was recovered. He submits that the recovery effected from the co-accused is in violation of provisions of Sections 42 and 50 of the NDPS Act. He submits that the alleged recovery has been effected from a public place, however, no independent witness was joined by the investigating agency. He submits that the disclosure statement of the co-accused is not even an admissible evidence.



He further argued that even otherwise the recovered contraband from the co-accused is 250 grams of heroin which is a non-commercial quantity and thus, provisions of Section 37 of NDPS Act, are not attracted. He has submitted that the petitioner has never been involved in any other criminal case except the present one and thus, his false implication is writ large.

4. Per contra, learned State counsel has opposed the submissions made by the counsel for the petitioner. He has submitted that the complicity of the petitioner was surfaced during investigation of the co-accused from whom the contraband weighing 250 grams of heroin was recovered. He, on instructions, has submitted that the challan has been presented and charges are framed, however, out of total 11 prosecution witnesses none has been examined so far. He has produced the custody certificate of the petitioner on record.

5. On hearing counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case only on the basis of disclosure statement of the co-accused. Recovery of 250 grams of heroin was effected from the co-accused and not from the petitioner. As submitted, out of total 11 prosecution witnesses, none has been examined so far. As per custody certificate, the petitioner has suffered an incarceration of 4 months and 05 days as on 08.09.2025. It further reflects that the petitioner has no criminal antecedents.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court.

7. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making



out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate.

**09.09.2025**

*ps-I*

**( RAJESH BHARDWAJ )  
JUDGE**

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