

CRM-M-44635-2024

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2025:PHHC:046252



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

**CRM-M-44635-2024  
Date of Decision:04.04.2025**

RAJPAL SINGH

....Petitioner

VERSUS

STATE OF PUNJAB

....Respondent

**CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH**

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

Mr. Jasjeet Singh Dhaliwal, AAG, Punjab.

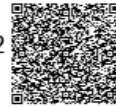
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**KARAMJIT SINGH, J.**

Prayer in the present petition under Section 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case having FIR No.10 dated 18.05.2024 registered for the offences punishable under Sections 21(C)/29 of NDPS Act at Police Station SSOC, Fazilka.

2. On oral request of learned counsel for the petitioner, offence under Section 25 and 27 of NDPS Act is ordered to be added in the head note as well as prayer clause of the petition. Registry is directed to do the needful.

3. The allegations in brief are that police apprehended co-accused Mohan Singh and Angrej Singh and recovered 1 kg of heroin



from them while they were riding on a motorcycle on 18.05.2024. Subsequently, the present petitioner was named as an accused on the basis of disclosure statement suffered by co-accused Angrej Singh to the effect that the aforesaid contraband was meant to be supplied to the present petitioner. Thereafter, the petitioner was arrested by the police on 19.06.2024. However, during investigation, no contraband was recovered at the instance of the present petitioner.

4. Counsel appearing on behalf of petitioner *inter alia* submits that petitioner, who was not named in the FIR was later on nominated as an accused on the basis of disclosure statement suffered by co-accused Angrej Singh, which is having no independent corroboration. The said disclosure statement, if any, suffered by co-accused against the present petitioner is inadmissible in evidence. It is further submitted that the petitioner is incarcerated for the last more than 9 months and further during investigation, no contraband was recovered at the instance of the present petitioner and on completion of investigation, police has presented the final report but charges are still to be framed and even thereafter, it will take time for the trial to conclude. Counsel for the petitioner further submits that the petitioner is already enlarged on bail in one another case faced by him under NDPS Act and the copy of the concerned bail order produced by the counsel for the petitioner is taken on record. It is further submitted that it being so, no fruitful purpose is



going to be served by keeping the petitioner in custody for any longer period.

5. The present petition is contested by the State counsel, who submits that the instant case is relating to recovery of 1 kg of heroin from co-accused Mohan Singh and Angrej Singh and the said contraband comes under commercial quantity and is covered by the rigors of Section 37 of NDPS Act. It is further submitted that petitioner is also involved in one another case under NDPS Act. It is further submitted that the petitioner, who was not named in the FIR was later on arrayed as an accused on the basis of disclosure statement of co-accused Angrej Singh and resultantly arrested in this case and is behind bars for the last more than 9 months. However, the State counsel has not disputed the fact that petitioner is already enlarged on bail in another case faced by him under NDPS Act and further that till date charges are not framed and that trial will commence only after the framing of charges.

6. I have considered the submissions made by the counsel for the parties.

7. Admittedly, the petitioner was not named in the FIR, which was registered against co-accused Mohan Singh and Angrej Singh from whom police recovered 1 kg of heroin. Thereafter the petitioner was nominated as an accused on the basis of disclosure statement suffered by co-accused Angrej Singh. However, the State counsel has admitted the



fact that there is no independent corroboration to the said disclosure statement. Otherwise also the veracity and admissibility of any such disclosure statement suffered by co-accused against the present petitioner will be tested during trial. Admittedly, petitioner is incarcerated for the last more than 9 months and during investigation, no contraband was recovered at the instance of the petitioner. Further petitioner, who is stated to be involved in one another case of non-commercial quantity of contraband is already enlarged on bail in the said case as is evident from bail order dated 15.01.2025, whose copy is provided by counsel for the petitioner. Undoubtedly, it will take time for the trial to conclude, even after the framing of charges. In the given circumstances, no gainful purpose is going to be served by keeping the petitioner in custody for any longer period.

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

**(KARAMJIT SINGH)**  
**JUDGE**

**04.04.2025**

Priyanka Thakur

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No