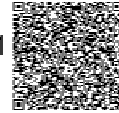


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-298-2025 (O&M)
Date of decision: 14.01.2025

Rajwinder Singh @ Raju**...Petitioner**

Versus

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

Present:- Mr. Harpreet S. Rakhra, Advocate
for the petitioner.

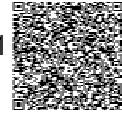
Ms. Swati Batra, Deputy Advocate General, Punjab.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case arising out of FIR No. 49 dated 12.08.2024, registered under Section 61(2) of Bharatiya Nyaya Sanhita, 2023, Section 25 of the Arms Act, 1959 and Sections 21, 25, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station State Special Operation Cell, Amritsar, District Amritsar.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered at the instance of ASI Narinder Singh with the allegations that a secret information was received to the effect that co-accused Jatinder Singh and Navtej Singh, residents of village Thatha, District Tarn Taran, were indulged in cross border smuggling with Pakistani smuggler Moosa and several other smugglers. They were sending illegal weapons through drone and other way in the area of Naushera Dhala,

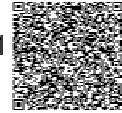
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Dauke to aforementioned co-accused and others. It was further informed by the secret informer that co-accused Jatinder Singh and Navtej Singh were coming along with illegal weapons to supply the same to another party on the instructions of Pakistani smugglers. In pursuance of this secret information, a barrier was laid at the informed place and above named co-accused were apprehended and recovery of 04 pistols of 9 mm with magazines was effected from them. The petitioner was nominated in this case on the basis of secret information and was arrested on 21.08.2024. Recovery of 10 live cartridges of 30 bore and an amount of Rs. 18,000/- was effected from him. Offence under Section 27-A of the NDPS Act was added. After completion of necessary investigation and usual formalities, *challan* has been presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences. He had moved an application before the learned trial Court for grant of regular bail but the same had been dismissed, vide order dated 12.12.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case only the basis of the secret information. No recovery of any narcotic substance has been effected from him. So far as the recovery of 10 live cartridges of 30 bore from the petitioner is concerned, the same was planted by the police officials. There is nothing on record to connect the petitioner either with the subject crime or with the Pakistani smugglers. He has clean criminal antecedents. Investigation has since been completed and *challan* has been presented. The petitioner is in

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judicial custody since 21.08.2024. Trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

4. Custody certificate of the petitioner has been filed by the respondent-State. Learned Deputy Advocate General, Punjab has argued that though the petitioner was nominated in this case on the basis of secret information but during the course of investigation, his involvement in the subject crime has been duly established. Recovery of 10 live cartridges and drug money of Rs. 18,000/- was effected from him. Trial is going on at a proper pace. 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 secret information and recovery of 10 live cartridges and an amount of Rs. 18,000/- was effected from him. However, no recovery of any narcotic substance is shown to have been effected from the petitioner. He is in judicial custody since 21.08.2024. A perusal of the custody certificate shows that the petitioner is not involved in any other criminal case. Investigation has since been completed and *challan* has been presented. Trial is likely to take time. 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

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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.

14.01.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No