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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-1603-2024 (O&M)
Date of Decision:- 09.01.2025

AMANDEEP SINGH @ AMAN

Versus

....Petitioner(s)

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ruhani Chadha, Advocate
for the petitioner (appearing through VC).

Mr. Ankit Grewal, DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
251	31.10.2023	21-C NDPS Act; (29 NDPS Act added later on)	Division No.8, District Jalandhar

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case on the basis of alleged disclosure statement made by co-accused Jaspreet Singh @ Sahil and Pankaj from whom recovery of 1 kg 200 grams of heroin was allegedly affected by the police on 31.10.2023. He submits that the petitioner is in custody since 04.11.2023 and as per the case of prosecution,



recovery of 25 grams of heroin and ₹3 lakhs as drug money has been allegedly recovered from the petitioner. He contends that the police has planted the recovery of money from the petitioner to be drug money without any substantive evidence and ignoring the fact that this amount was withdrawn by the petitioner from his bank account on 01.11.2023 for giving the same to his brother who had to go abroad as is evident from his passport Annexure P-3/A. He contends that after the completion of investigation, challan has already been presented in Court, where the prosecution has cited 28 witnesses and till date, none has been examined, hence prayed for grant of bail to the petitioner

3. *Per contra*, learned State counsel while referring to the status report submitted by the State has opposed the grant of bail to the petitioner by submitting that he is actively involved in drug trafficking, as such, prayed for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that as per the case of prosecution on the apprehension of co-accused Jaspreet Singh @ Sahil and Pankaj, 1 kg 200 grams of heroin was allegedly recovered from them, and during their interrogation, they disclosed the petitioner to be involved in the crime as they used to supply the contraband to him. Accordingly, the petitioner was nominated as an accused and was arrested on 04.11.2023 and from his possession, allegedly 25 grams of heroin along with ₹3 lakh cash was recovered. Admittedly, the alleged recovery does not fall within the purview of commercial quantity. Moreover,



there is nothing on record to substantiate as to how the said recovery of cash tantamounts to drug money, especially keeping in view the bank statement of the petitioner regarding withdrawal of the amount three days before the occurrence allegedly for giving the same to his brother, who had to go abroad. He has also placed on record the copy of the bank statement as Annexure P-3 and passport of his brother as Annexure P-3/A, showing his brother to have gone abroad on 24.12.2023.

6. After the completion of investigation, challan has been presented in Court and the prosecution has cited 28 witnesses and admittedly none of them has been examined till date. This being the case, it will take sufficient long time for the trial Court to conclude the trial so as to ascertain the criminal liability, if any, of the petitioner. In these circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. It is further made clear that in case the petitioner is found involved in any case under NDPS Act, after his release on bail, it will be open for the prosecution to move an application for cancellation of his bail in accordance with law.



9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

09.01.2025

S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No