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

CRM-M-7053-2025 (O&M)
Reserved on : 15.05.2025
Pronounced on : 19.05.2025

Harpreet Singh @ Happy

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vipin 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 to him in case arising out of FIR No. 11 dated 09.03.2024, registered under Sections 21(C), 29 and 27-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*), Section 25 of the Arms Act, 1959 and Sections 10, 11, 12 of the Aircraft Act, 1934 at Police Station Dorangla, District Gurdaspur. The first petition, bearing number **CRM-M-31425-2024**, was dismissed by this Court on 11.09.2024. Thereafter, the petitioner has approached the Hon'ble Supreme Court for grant of bail but his petition bearing Special Leave to Appeal (Crl.) No. 14627/2024 had been dismissed, vide order dated 04.11.2024.

2. The facts of the case as noticed in the previous petition are reproduced below:

“Brief facts of the case relevant for the disposal of the present

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petition are that on 09.03.2024, a secret information was received that Gurjeet Singh @ Kalu and Satnam Singh are indulged in the business of smuggling of heroin and on that day, they were coming from Amritsar to Gurdaspur in a car bearing registration number PB-02-CP7100. The aforesaid persons were apprehended by the police party by laying a naka. On enquiry, the driver of car disclosed his name as 'Gurjeet Singh', whereas the other person disclosed his name as 'Satnam Singh'. On search, one pistol and four live cartridges were recovered from Gurjeet Singh and from Satnam Singh, 405 grams of heroin was recovered. During investigation, at the instance of aforesaid accused, the drugs money of Rs. 50,000/- each was recovered from them and one drone was also recovered from accused Satnam Singh. Accused Satnam Singh suffered disclosure statement that he was called by one Padda to reach at Indian Oil Petrol Pump, Shahpur Goraya, where they met three persons, who reached there in a car, which was driven by the petitioner. The two other persons were Harmeet Singh and Joban. He further disclosed that they all went towards the border, where they sent their location to a mobile number of Pakistan and found a packet at that location, which was containing pistols, magazines and live cartridges. The petitioner was nominated even in the disclosure statement of accused Gurjeet Singh, wherein he disclosed that they had picked up 04 kgs. of heroin at the instance of Padda on 13.02.2024, which they had delivered to Padda at his house in Meerat, U.P and consignment was procured through drone and they further delivered the same to Harpreet Singh, Jodh and Dhillon. The petitioner was arrested on 12.03.2024 and drug money of Rs.2,00,000/- was recovered from him. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court and

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presently, the petitioner along with co-accused is facing trial for commission of aforesaid mentioned offences.”

3. Learned counsel for the petitioner has argued that there are some substantial changes in circumstances as well as some glaring facts which entitle the petitioner to seek concession of bail. It is argued that the allegations against the petitioner are that on the fateful day, he along with co-accused Harmeet Singh and Joban had met co-accused Satnam Singh and Gurjeet Singh and they all had gone towards border, from where, they received a packet containing pistols, magazines and live cartridges. It is also the allegation that co-accused Gurjeet Singh and the present petitioner had picked up 04 kgs. of heroin at the instance of Padda on 13.02.2024, which they had delivered to Padda at his house in Meerat, Uttar Pradesh. The police has shown that recovery of drug money of Rs. 2,00,000/- was effected from the petitioner. These are the grounds which form basis for implication of the petitioner in this case.

4. It is further argued that in fact the petitioner was picked up on 12.03.2024 and a demand of Rs. 3,00,000/- was raised from his father to save the petitioner from being roped in this case, who had in fact handed over the said amount to the police. A perusal of copy of his bank statement (Annexure P-4) would reveal that his father had withdrawn several amounts of money from his account from 13.03.2024 to 16.03.2024. However, the police, despite taking money, did not release the petitioner. When the father of the petitioner raised hue and cry, the police moved an application on 27.03.2024 before the Magistrate concerned and showed that an amount of Rs. 2,00,000/- had been recovered from the petitioner but inadvertently, it could not be mentioned in the remand paper. The Magistrate had allowed the said application by observing that

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the money was neither produced earlier nor was it mentioned in the remand paper for the reasons best known to the police. This all goes to show that the petitioner has been falsely implicated in this case. It is further argued that the petitioner was neither named in the FIR nor in the secret information. No subsequent recovery of any contraband has been effected from the petitioner. He is on bail in another case, wherein also he had been nominated on the basis of the disclosure statement suffered by a co-accused. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since 12.03.2024. No useful purpose would be served by keeping him in custody anymore. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed by the respondent-State, wherein the stand as taken during the hearing of first petition of the petitioner is reiterated. It is argued by learned State counsel that there is no substantial change from the date of dismissal of the first petition of the petitioner. There are serious allegations against the petitioner. The trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

6. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

7. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by above named co-accused. Subsequent to arrest of the petitioner, no contraband is shown to have been recovered. However, as per prosecution, drug money of Rs.2,00,000/- was recovered from him on 16.03.2024. The petitioner has claimed that a demand of Rs.3,00,000/- was raised from his father for not implicating the petitioner in this case. The father of

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the petitioner is stated to have given that amount to the police by withdrawing the same from his account. A copy of his bank statement showing the relevant entries of withdrawal has been produced on record. Although, the authenticity of the same cannot be assessed at this stage, however, a perusal of the order dated 27.03.2024 reveals that while allowing the application moved by the prosecution, the Magistrate concerned has observed that *“the drug money allegedly recovered from the accused Harpreet Singh @ Happy amounting to Rs. 2 Lakhs contained in cloth parcel containing seal of ‘DK’ was recovered on 16.03.2024. However, the same has not been produced in the Court by the Investigating Officer for the reasons best known to him.* A perusal of the application, moved by the police on 16.03.2024, seeking remand of the petitioner shows that neither recovery of any contraband nor any drug money effected from the petitioner was shown therein. This fact is even admitted by the respondent-State in the status report that no drug money was shown to have been effected from the petitioner in the remand application and an application in this regard was moved by the police only on 27.03.2024. This is quite surprising that as to how and why this fact was not mentioned in the remand application and why the alleged drug money was not deposited with the Court at the appropriate time. Hence, it creates a serious doubt on the conduct of the police.

8. At the cost of repetition, it may be mentioned that the sole basis of the implication of the petitioner in this case is the disclosure of the co-accused and recovery of drug money of Rs. 2,00,000/ from him. However, the recovery of drug money itself has become doubtful in the given facts and circumstances as discussed above. Investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time. The petitioner is in custody since

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12.03.2024. He is stated to be on bail in other case. Keeping in view the aforementioned facts and circumstances, which obviously appear to be changed and substantive ones, I am of the considered opinion that the petitioner has made out a case for his release on bail. 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.

9. 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.

10. Since the factum of not mentioning the recovery of drug money in the remand application and thereafter keeping it for about 10 days creates a serious doubt on the conduct of the Investigating Officer of this case, the Senior Superintendent of Police, Gurdaspur is directed to hold an inquiry in this regard and take necessary action against the erring police official(s), if so required. After conclusion of inquiry, the Senior Superintendent of Police, Gurdaspur shall submit a report to this Court within a period of 03 months from today.

19.05.2025

Wassem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No