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

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CRM-M-6364-2025 (O&M)
Date of decision: 14.05.2025

Baljit Singh**...Petitioner**

Versus

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

Present:- Mr. Vinay Puri, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 439 of Cr.P.C., is for grant of regular bail to the petitioner in FIR No. 158 dated 14.06.2023, registered under Section 15(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) [Offences under Section 21-C of the NDPS Act, Sections 25(6)(7) of the Arms Act and Sections 307, 323, 186, 332 and 353 of IPC were added later on] at Police Station Phillaur, District Jalandhar (Rural).

2. Brief facts of the case relevant for the disposal of the present petition are that on 14.06.2023, co-accused Daljit Singh @ Jeeta and Parminder Singh @ Pinder, while coming in a truck bearing registration number PB-08-EC-3854, were apprehended by a police party headed by Inspector Harjinder Singh and recovery of 2520 kgs. of poppy husk was effected from the said vehicle, which was kept in 140 plastic bags. Upon

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interrogation, co-accused Daljit Singh @ Jeeta disclosed that the recovered contraband was brought by him on the asking of one Surinder Singh @ Shinda. He further disclosed that previously, Balbir Singh @ Bittu, Mangal Singh, Shinderpal @ Bangali and Naresh Kumar @ Billu had purchased poppy husk from said Surinder Singh @ Shinda. On the basis of the same, the aforesaid persons were nominated in this case as accused and some of them were arrested. Efforts were being made to arrest co-accused Surinder Singh @ Shinda but he was absconding and in that process, a person tried to run over a tractor upon a police official and an FIR bearing No. 64 dated 24.06.2023, under Sections 307, 332, 353, 186, 323, 506, 224, 148 and 149 of IPC was registered at Police Station Bilga, District Jalandhar (Rural) against Surinder Singh @ Shinda. Thereafter, on 14.10.2023, when the police tried to apprehend him, then he fired two bullet shots upon police. However, he was somehow apprehended. Recovery of 01 kg. of heroin, a pistol of 9MM caliber along with 05 live cartridges, drug money of Rs.28 Lakhs and two cars was effected from him. Upon interrogation, he disclosed that the present petitioner was the owner of aforementioned truck and Paramjit Singh @ Pamma, Sukhwinder Singh @ Sukhjit Singh and Tikka Singh used to purchase poppy husk from him. On the basis of the same, the petitioner and above named persons were nominated in this case. The petitioner was arrested on 30.08.2024. After completion of necessary investigation and usual formalities, *challan* was presented in the Court and presently, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been

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dismissed, vide order dated 19.10.2024.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case. He was neither found at the spot nor he is named in the FIR. He has been nominated in this case on the basis of the disclosure statement suffered by co-accused Surinder Singh @ Shinda, which is not admissible in evidence. The said co-accused himself was nominated by co-accused Daljit Singh @ Jeeta. A perusal of the disclosure statement of co-accused Surinder Singh @ Shinda would reveal that the only allegation against the petitioner is that he was the owner of the said truck. It is not the case that he was either involved in the subject offence or had procured/purchased any contraband from the co-accused. Even no subsequent recovery has been effected from him. In fact, co-accused Daljit Singh @ Jeeta and Parminder Singh @ Pinda were working as driver and conductor, respectively, on the said truck and were carrying the recovered contraband in the vehicle in connivance with co-accused Surinder Singh @ Shinda and the petitioner was not aware of the same. The petitioner has clean antecedents and is not involved in any other case. Even otherwise, investigation has since been completed and *challan* has been filed. Conclusion of trial is likely to take time as out of total 32 prosecution witnesses, only 02 witnesses have been examined so far. Co-accused Paramjit Singh, Sukhjit Singh, Jajj Singh, Naresh Kumar @ Billu and Shinderpal @ Bangali, against whom there were the allegations that they used to purchase contraband from co-accused Surinder Singh @ Shinda, have already been granted concession of anticipatory/regular bail by this Court. The case of the petitioner is on better footing than that of them.

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Hence, on the grounds of parity, the petitioner too deserves the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as during investigation, it has surfaced that he was the owner of the aforesaid truck, from which, recovery of 2520 kgs. of poppy husk was effected. Hence, it is urged 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. A perusal of the record reveals that the petitioner has been nominated in this case on the basis of the disclosure statement suffered by co-accused Surinder Singh @ Shinda, wherein it was alleged that the petitioner was the owner of the aforementioned truck, from which recovery of 2520 kgs. of poppy husk was effected. There is no allegation that the petitioner was either involved in transporting the recovered contraband in any manner or he had sold/purchased the contraband at any point of time. Even subsequent to his arrest, no recovery is shown to have been effected from him. The above named co-accused, against whom there were allegations that they used to buy contraband from co-accused Surinder Singh @ Shinda, have been granted concession of anticipatory bail/regular bail by this Court. The petitioner is not shown to be involved in any other case, except the present one. He is in custody since 30.08.2024. The trial is likely to take time to conclude as only 02 prosecution witnesses have been

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examined so far out of total 32 witnesses. 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 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.

14.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No