



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CRM-M-7976-2025 (O&M)
Date of decision: April 21, 2025

AMRIK SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Rashmi Verma, Advocate for
Mr. Manu Loona, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The instant petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.104 dated 15.07.2024 (Annexure P-1) under Sections 21 of the NDPS Act (Section 29 of the NDPS Act added later on), 1985, registered at Police Station STF Mohali, District SAS Nagar.
2. Learned counsel for the petitioner submits that the petitioner has been in custody since 15.07.2024 in a case of false implication. Learned counsel contends that even as per the case of the prosecution, no recovery of any contraband, much less any other material like weighing scale etc. was effected from the petitioner, pursuant to an alleged secret information received by the investigating agency.
3. Learned counsel for the petitioner, while drawing the attention of this Court to the FIR in question (Annexure P-1) has argued that as per the prosecution version, the petitioner was merely standing besides co-accused Kulwant Singh when the police intercepted them; a recovery of 500 grams of heroin was made not from the petitioner but from co-accused Kulwant Singh. Learned counsel has contended that the petitioner has no previous criminal antecedents, which lends further credence to his false implication in the present case. Learned counsel has still further argued that



even after the petitioner was arrested along with co-accused Kulwant Singh, no recovery of any contraband was made pursuant to any disclosure statement etc. made by the petitioner. It has been therefore prayed that since investigation in the case is complete, and after the charges were framed on 23.12.2024, none of the 21 prosecution witnesses had been examined, further incarceration of the petitioner would serve no useful purpose, moreso when there could be no apprehension of the petitioner tampering with the evidence.

4. *Per contra*, learned State counsel, on instructions, has reiterated that specific secret information had been received *qua* the involvement of the petitioner and co-accused Kulwant Singh in drug trafficking pursuant to a secret information. Both the petitioner and co-accused were apprehended by the police while they were standing beside a motorcycle; a recovery of 500 grams of heroin was then effected from co-accused Kulwant Singh. Learned State counsel, on instructions, has submitted that the petitioner as well as co-accused Kulwant Singh were waiting to sell the recovered contraband to prospective customers.

5. On a pointed query put to the learned State counsel as to whether any recovery of any contraband was made subsequent to the arrest of the petitioner from his house etc., he, on instructions, has replied in the negative; it has also not been controverted, on instructions, that the petitioner has no criminal antecedents, as is evident from the custody certificate of the petitioner filed in the Court today.

6. I have heard learned counsel for the parties and perused the relevant material placed on record.

7. The petitioner has been in custody since 15.07.2024. The trial has remained at a virtual standstill after the framing of charges on 23.12.2024. As conceded by the State on instructions, not a single prosecution witness out of 21 has been examined so far. Moreover, it has not been disputed by the learned State counsel that no recovery has been effected from the petitioner but only from the co-accused. Hence, the petitioner cannot be made to languish in custody for no fault of his.



8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to allow the instant petition, and extend the concession of regular bail to the petitioner.
9. The petition as such is allowed, and the petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
10. Needless to add here, in case the petitioner is found misusing the concession of bail, the State would be at liberty to approach this Court to seek cancellation of bail to him.

April 21, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No