

2025:PHHC:065976



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

CRM-M-10862-2025 (O&M)

Reserved on : 16.05.2025

Pronounced on : 19.05.2025

Balvir Singh @ Bittu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, 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

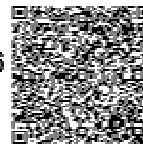
2025:PHHC:065976



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, petitioner 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. The petitioner was arrested on 23.08.2023. On his demarcation, recovery of 36 kgs. of poppy husk was effected. 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 co-accused Baljit Singh was the owner of aforementioned truck and Paramjit Singh @ Pamma, Sukhwinder Singh @ Sukhjit Singh and Tikka Singh used to purchase poppy husk from him. 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.

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 is he

2025:PHHC:065976



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 the petitioner had previously purchased poppy husk from him. A false recovery of 36 kgs. of poppy husk has been planted upon him, which even otherwise does not fall under commercial quantity. Similarly situated co-accused Shinderpal @ Bangal @ Shinderpal Singh, Naresh Kumar @ Billu and Baljit Singh have already been granted concession of regular bail by this Court, vide orders dated 22.03.2024, 18.04.2024 and 14.05.2025 passed in **CRM-M-14191-2024**, **CRM-M-4817-2024** and **CRM-M-6364-2025**, respectively. On the grounds of parity, the petitioner too deserves the same benefit. Pendency of other cases against him cannot be a ground to deny grant of bail. 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. 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 there are serious allegations against him. He was involved in commission of subject crime and had purchased poppy husk from co-accused Surinder Singh @

2025:PHHC:065976

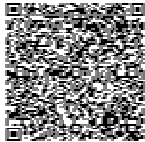


Shinda. Subsequent recovery of 36 kgs. of poppy husk was effected from him. He is involved in some other cases of similar nature. Trial may be expedited. Hence, it is urged that the petition is liable to be dismissed.

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 had previously purchased the contraband from him. Upon arrest of the petitioner, recovery of 36 kgs. of poppy husk is shown to have been effected from him. A perusal of the record reveals that the above named co-accused, against whom there were similar allegations, have been granted concession of bail by this Court. The petitioner is in custody since 23.08.2023. The trial is likely to take time to conclude as only 02 prosecution witnesses have been examined so far out of total 32 witnesses. Given the facts of the case, pendency of other cases against the petitioner cannot be made a ground to deny him the benefit of bail. 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.

2025:PHHC:065976



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.

19.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>