



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

225/1

CRM-M-13117-2024 (O&M)
Date of Decision:- 10.02.2025

BALRAJ SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Parveen Chauhan, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. 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
02	11.01.2024	21(a), 27(a), 29 of the NDPS Act; 25 of the Arms Act,	Dinanagar, District Gurdaspur

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. He contends that the petitioner has no concern with the co-accused arrested in the FIR nor has he indulged in any illegal activities. He submits that petitioner has been nominated in the present case by co-accused-Mani Singh and on the basis thereof, the petitioner was arrested on 15.01.2024, and since



then he is in custody. He submits that the alleged recovery effected from the petitioner has been planted upon him by the Police. He submits that challan has been presented in the Court and the conclusion of trial will take sufficient long time. He thus prayed for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the grant of bail to the petitioner alleging that although the petitioner was not named in the FIR, but has been nominated on the disclosure statement of Mani Singh and a recovery of one country-made pistol and 13 live cartridges has been effected from him.

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

5. After considering the rival contentions and perusing the record, it transpires that on 11.01.2024, the Police party apprehended the car driven by Rupinder Singh @ Pinder, wherein other co-accused namely Kanwaljit Singh and Pema Doma Bhutia were also sitting. On checking of the car, 1 grams 500 mg heroin along with Rs.15,000/- cash and two pistols 32 bore and two cartridges were recovered from the dashboard of the car. Subsequently on the basis of disclosure statement made by Kanwaljit Singh and Rupinder Singh, co-accused Mani Singh was apprehended and on the basis of disclosure statement made by co-accused Mani Singh, the present petitioner has been nominated and was accordingly arrested on 15.01.2024. After the completion of investigation, challan has been presented in Court and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the



circumstances, no purpose would be served by detaining the petitioner any longer.

6. 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.

7. 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.

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

9. Pending miscellaneous application(s), if any, stands disposed of.

(SANJIV BERRY)
JUDGE

10.02.2025

S.Sharma(syr)

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