



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

298

CRM-M-12009-2025 (O&M)
Date of Decision:- 21.05.2025

CHAMKAUR SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Ms. Shubhreet Kaur, Advocate for
Mr. S.S. Saron, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

1. Short reply dated 20.05.2025 filed in the form of an affidavit of Deputy Superintendent of Police, (SD), Barnala, District Barnala, is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.
2. Arguments heard.
3. The instant petition has been preferred by the petitioner under Section 483 BNSS, 2023 for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
200	08.12.2023	21 and 25 NDPS Act; (29 NDPS Act added later on)	Dhanaula, District Barnala

4. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. She contends that the petitioner has no concern with the allegations levelled



in the FIR nor has he committed any offence. She further contends that the petitioner is not named in the FIR, but has been nominated on the disclosure statements of co-accused Arsdheep Singh and Sahib Singh, from whom recovery of 280 grams of heroin was allegedly effected by the police. She submits that the petitioner is in custody since 18.12.2023 and no recovery of contraband has been effected from him after his arrest. She submits that the conclusion of trial will take considerable long time. Thus prays for grant of concession of bail to the petitioner.

5. *Per contra*, learned State counsel while referring to the short reply filed by the State has opposed the petition on the ground that the name of the petitioner surfaced in the disclosure statements of co-accused Arshdeep singh and Sahib Singh, from whom the contraband was recovered. Thus, prays for dismissal of the petition.

6. After considering the rival contentions and perusing the record, it transpires that the story of the prosecution is that on 08.12.2023, police party apprehended co-accused Arshdeep Singh and Sahib Singh, who were sitting in the car and checking the polythene bag lying between their seats. Upon checking of the polythene bag 280 grams of heroin was recovered. Accordingly, they were arrested and contraband was taken into police possession. During the course of their interrogation, they suffered their disclosure statements nominating the petitioner as the supplier of the contraband. Thereafter, the petitioner was arrested on 18.12.2023 and since then he is in judicial custody. Admittedly, after the arrest of the petitioner, no recovery has been effected from him. Challan has already been presented



in Court, wherein the prosecution has cited 18 witnesses but no witness has been examined till date. 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.

7. 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.

8. It is further made clear that in case the petitioner is again found involved in any case under NDPS Act, in future, 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.

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

(SANJIV BERRY)
JUDGE

21.05.2025

S.Sharma(syr)

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