



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-12541-2025

Date of decision: 10th September, 2025

Rajesh Kumar @ Bhaiya

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Atinderpal Singh, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 146 dated 18.12.2023 registered under Sections 307 and 34 of IPC and Section 25 of Arms Act, 1959 (Sections 21-C and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS') added later on) at Police Station Kathunangal, District Amritsar.

2. The aforementioned FIR was registered on the basis of a statement recorded by the complainant Jaspal Singh, on 18.12.2023, alleging that on the same day, he along with his friend Manjinder Singh was going on his motor bike to pay obeisance to Baba Budha Sahib Gurdwara, Kathunangal and while on the way, some technical snag occurred in his motor bike. He was getting the same repaired, when Nirwail Singh @ Nehla and Nirmal Singh @ Dehla reached there on their motor bike and entered into a scuffle with him. Manjinder Singh tried to intervene but accused Nirmal Singh @ Dehla slapped him. Then the accused Nirwail Singh @



Nehla opened an attack upon him with a screw-driver and asked the accused Nirmal Singh to fire a shot at him. The accused Nirmal Singh then fired a shot upon him, thereby injuring his right ankle. Another shot was fired upon Manjinder Singh, who too escaped. The assailants then managed to flee. After registration of FIR, investigation proceedings were initiated. The accused Nirwail Singh @ Nehla and Nirmal Singh @ Dehla were arrested during investigation. In pursuance of his disclosure statement, accused Nirmal Singh got recovered 207 grams of *heroin* and one 32 bore pistol along with two bullets. Both the accused disclosed that they used to purchase the contraband from the present petitioner and all of them used to further sell the same. In view of their disclosure statements, the petitioner was nominated as an accused. Offences under Section 29 of NDPS Act and Section 201 of IPC were added. He was arrested on 19.11.2024. He too suffered disclosure statement admitting his involvement in sale of *heroin*. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. No recovery has been effected from him. He has been in custody since 19.11.2024. Investigation stands completed. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. The offences alleged under the provisions of Indian Penal Code, Arms Act and Section 21(c) of NDPS Act are not made out as against him. It is, therefore, urged that he deserves to be released on bail.

4. *Per contra*, it is argued by learned Assistant Advocate General, Punjab, that keeping in view the allegations as levelled against the



petitioner, he does not deserve to be extended benefit of bail. Therefore, it is urged that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

6. The petitioner is alleged to be involved in sale of contraband and as per the allegations, he sold non-commercial quantity of the contraband to the co-accused. No recovery has been effected from him. He has been nominated on the basis of disclosure statement. The prosecution witnesses are yet to be examined as none out of the 31 witnesses has been examined so far. Trial will obviously take considerable time. The involvement of the petitioner in some other cases cannot be considered to be a reason for denying benefit of bail to him. Keeping in view the period spent by him in custody, the nature of the allegations as well as specific part attributed to him in the commission of subject offences and as per the discussion made above, this Court is of the considered opinion that no useful purpose would be served by detaining him in custody anymore. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

10th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*