



CRM-M-13682-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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Reserved on : 29.08.2025

Pronounced on : 08.09.2025

Navdeep Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Sachin Sharma, Advocate for the petitioner.

Mr. Rohit Bansal, Sr. DAG Punjab.

SURYA PARTAP SINGH, J.

1. This is the first petition filed by the petitioner, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for bail in a case arising out of FIR No.82 dated 29.12.2024 under Sections 21(c), 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, hereinafter referred to as 'NDPS Act', and Sections 25 and 27 of Arms Act, Police Station Dhilwan, District Kapurthala, Punjab. The application for bail filed by the petitioner before the Court of learned Special Judge, Gurdaspur, designated under Section 36 of the NDPS Act, has been dismissed vide order dated 28.01.2025. The petitioner is in custody since then, and craving for bail.

2. Briefly stating the facts emerging from record are that the FIR in this case came into being on 29.12.2024 when at a check-point, police signaled a car to stop, for the purpose of checking, and the person sitting on



the rear seat opened the window of the car and threw one transparent bag, and tried to run away. According to prosecution, on the basis of suspicion, the abovesaid person, namely Gurtej Singh @Guri, was intercepted by the police and apprehended. It was found that in the bag thrown by him, there was 700 gms of heroin. It is the case of the prosecution that other two occupants of the car were Onkar Singh and Child-in-Conflict-with-Law (CCL). The prosecution is further alleging that on completion of formalities with regard to search and seizure of the person of accused, they were arrested, whereas the CCL was taken into protective and safe custody. When the accused were interrogated, the accused nominated the petitioner. According to prosecution, when the petitioner was arrested by the police, a country-made pistol and three live cartridges were recovered from his possession.

3. Heard.

4. It has been contended on behalf of the petitioner that the petitioner is innocent having no nexus whatsoever with the commission of crime, and that on the basis of disclosure statement of co-accused, which is otherwise not admissible in evidence, the petitioner has been roped-in in the instant case, and thus arrested. According to learned counsel for the petitioner, nothing has been recovered from the possession of petitioner, and that the only allegations against the petitioner are for being in possession of country-made pistol and three live cartridges. As per learned counsel for the petitioner, the petitioner has already suffered incarceration for a period of almost 8 months and the trial is not likely to be concluded in near future.



5. In addition to above, it has been argued by learned counsel for the petitioner that the petitioner has clean antecedents and has never been prosecuted for any other offence (except the jail offences).

6. The abovementioned arguments have been controverted by learned State Counsel on the ground that the petitioner has been instrumental in providing logistic support to the main accused, and was involved in the sale and purchase of narcotic substance. According to learned State Counsel, a heavy recovery of contraband has taken place in the present case and the petitioner, being one of the accomplices of main accused, is not entitled for bail.

7. The record has been perused carefully.

8. A perusal of reply submitted by the State reveals that the contraband was being carried out by the accused Gurtej Singh @Guri, who was travelling in a car. It is further revealed that in the abovementioned car, other occupants, in addition of Gurtej Singh @Guri, were Onkar Singh and one CCL. The abovementioned facts show that at the time when contraband was being transported in the car, the petitioner was not there. The name of the petitioner cropped up during investigation, when accused Gurtej Singh @Guri revealed the name of petitioner in his disclosure statement. Admittedly, the disclosure statement of accused Gurtej Singh @Guri was recorded when he was in the custody of police. Therefore, there is a question mark with regard to admissibility of abovementioned disclosure statement in evidence.



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9. Otherwise also, there are certain relevant aspects which needs to be taken into consideration, before arriving at any decision with regard to present bail application. Those factors are: -

- a) that petitioner is already in custody for a period of almost 8 months from the date of his arrest, i.e. 03.01.2025;
- b) that no contraband has been recovered from the possession of petitioner;
- c) that nothing is left to be recovered from the possession of petitioner;
- d) that trial is not likely to be concluded in near future;
- e) that detention of the petitioner in judicial lockup is not likely to serve any purpose;
- f) that the only evidence, collected by the investigating agency against the petitioner, is the disclosure statement of co-accused, qua which there is a question mark regarding its admissibility; and
- g) that the only allegation against the petitioner is for being in possession of country-made pistol, which if tried independently, is a Magisterial trial.

10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby admitted to bail subject to his furnishing bail bonds to the satisfaction of learned trial Court. In case, the concerned Court is not available on the given



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date, the learned Sessions Judge would be at liberty to assign the abovesaid case, for the abovesaid purpose, to any other Court.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 08, 2025
Gaurav Thakur

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No