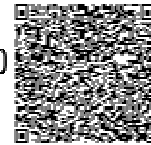


2025:PHHC:065830



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

CRM-M-15505-2025 (O&M)

Reserved on : 16.05.2025

Pronounced on : 19.05.2025

Akashdeep Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ruhani Chadha, Advocate
for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail in case arising out of FIR No. 45 dated 24.04.2024, registered under Sections 21(c) and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 10, 11 and 12 of the Aircraft Act, 1934 at Police Station Khalra, District Tarn Taran. The previous petition, bearing number **CRM-M-42675-2024**, was dismissed as withdrawn on 11.12.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 24.04.2024, a secret information was received to the effect that Rana Singh, Lovepreet Singh and Arshdeep Singh have links with Pakistani smugglers and were indulged in smuggling of heroin. Acting on the said information, the police party headed by Inspector Vinod Sharma launched a search operation. Three persons were noticed, out of whom, two persons were holding drones in their hand and one of them was holding a

2025:PHHC:065830



yellow packet. On seeing the police party, two of them, who were holding drones, ran away from the spot by throwing the drones. However, the third person was apprehended by the police party. On inquiry, he disclosed his name as 'Rana Singh'. On conducting search, recovery of 2.8. kgs. of heroin was effected from co-accused Rana Singh. Upon interrogation, he disclosed that the persons who ran away from the spot were 'Arshdeep Singh' and 'Lovepreet Singh'. On the basis of the same, they were nominated in this case as accused and were arrested on 28.04.2024. Co-accused Rana Singh, in his second disclosure statement suffered on 28.04.2024, stated the drones were brought by the present petitioner and he was also involved with them in smuggling heroin. On the basis of the same, the petitioner was nominated in this case and was arrested on 28.04.2024. After completion of necessary investigation and usual formalities, *challa* was presented in the Court and presently, the petitioner along with co-accused is facing trial for commission of aforementioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. The petitioner was not found at the spot and has been involved in this case on the basis of the disclosure statement made by the co-accused, which is not admissible in evidence against him. He was not even named in the secret information. To fortify this argument, learned counsel for the petitioner has relied upon the authority of Hon'ble Supreme Court rendered in ***Tofan Singh vs. State of Tamil Nadu : (2021) 4 SCC 1***. It is further argued that even co-accused Rana Singh, who was apprehended at the spot and from whose possession contraband was recovered, has not nominated the petitioner in his first disclosure statement

2025:PHHC:065830



and it was only in his second disclosure statement, recorded on 28.04.2024, that the name of the petitioner has surfaced in this case. However, nothing incriminating has been recovered from the petitioner subsequent to his arrest. It is further argued that no independent witness was joined. Even the mandatory provisions of Section 50 of the NDPS Act were not complied with properly. Although, the petitioner has been falsely implicated in two more cases but in those cases also, he was nominated on the basis of the disclosure statements suffered by the co-accused and that too when he was in custody. However, he has already been granted concession of regular bail in those case, vide order dated 06.03.2025 passed by this Court in **CRM-M-1542-2025** and order dated 05.05.2023 passed by the learned Special Judge, Tarn Taran. Even otherwise, investigation has since been completed and *challan* has been filed on 10.10.2024. However, no witness has been examined so far, which shows that the trial is substantially delayed and this ground alone entitles the petitioner for grant of bail.

4. Learned counsel for the petitioner has relied upon an order dated 23.08.2023, passed by the Hon'ble Supreme Court in Special Leave to appeal (Crl.) No. 6599/2023, titled as ***Ajmal T. A. @ Kuru vs. State of Kerala***, whereby in similar circumstances, the petitioner-accused had been granted concession of regular bail by observing that there was remote likelihood of the petitioner's involvement as the alleged involvement was entirely based upon the co-accused's statement. He has also relied upon some orders passed by the Hon'ble Supreme Court, whereby the accused persons have been granted concession of regular bail considering the facts that they were nominated on the basis of the disclosure statement suffered by the co-accused and no

2025:PHHC:065830



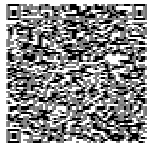
contraband was recovered from them. It is, thus, argued that given the facts and circumstances of the case, no useful purpose would be served by keeping the petitioner in custody anymore. Hence, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on bail.

5. Status report has been filed by the respondent-State. It is submitted therein and learned Deputy Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. Although, he has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused but he was also involved with the co-accused in subject crime. He is involved in two more cases of similar nature. The trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

6. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

7. Admittedly, the petitioner was neither named in the secret information nor in the FIR. His name has not even surfaced in the first disclosure statement of co-accused Rana Singh, which was recorded on 24.04.2024. He has been involved in this case on the basis of the second disclosure statement of the said co-accused, which was recorded on 28.04.2024. No subsequent recovery is shown to have been effected from the petitioner. His implication in this case is solely based on the disclosure statement made by the co-accused. On a Court query put by this Court, learned State counsel has not disputed the fact that though the petitioner is involved in two other cases of similar nature but such implication is also based on the disclosure statements made by co-accused and he is on bail in

2025:PHHC:065830



those cases. A perusal of the status report reveals that the prosecution has cited total 10 prosecution witnesses but none has been examined so far, despite the fact that *challan* was presented on 10.10.2024. The petitioner is in judicial custody since 28.04.2024. At this stage, there is nothing on record to connect the petitioner with the subject crime, except the aforesaid disclosure statement of the co-accused. As per ratio of law as laid down by Hon’ble Supreme Court in above cited authority, the same alone cannot be a ground to deny the benefit of bail to the petitioner as no subsequent recovery of any narcotic substance was effected from him. Keeping in view the discussion as made above, I am of the considered opinion that no useful purpose would be served by detaining 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.

8. 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

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No