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

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CRM-M-17974-2025 (O&M)

Date of decision: 26.05.2025

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

Present:- Mr. Vipul Jindal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab

MANISHA BATRA, J. (Oral)

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 bearing FIR No. 210 dated 21.10.2019, registered under Sections 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') and Section 411 of IPC at Police Station Lopoke, Amritsar. The previous petition, bearing number **CRM-M-46880-2023**, was dismissed as withdrawn on 23.09.2024.

2. Brief facts of the case relevant for the purpose of disposal of this petition are that on 21.10.2019, a secret information was received by SI Amandeep Singh to the effect that Gurdev Singh @ Sonu, Major Singh @ Meju and the present petitioner along with some other persons were involved in smuggling of heroin from Pakistan. It was also informed that on that very day, co-accused Gurdev Singh @ Sonu and Major Singh @ Meju were coming to Town Chogwan for a deal relating to heroin and if barrier is laid, they can be apprehended. Acting on the said information, a barrier was laid at

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the informed place and co-accused Major Singh @ Meju and Gurdev Singh @ Sonu were apprehended. Upon interrogation, they admitted their involvement in the subject crime and disclosed that they along with the present petitioner were involved in selling heroin and one Jagga was also their partner. They further disclosed that since the land of the petitioner was situated near international border, they had received 10 kgs. of heroin from a Pakistani smuggler namely Ghodhar, out of which, 02 kgs. 500 grams of heroin was sold to co-accused Jagga and the remaining heroin was hidden in the batter box of a tractor. Subsequently, recovery of 07 kgs. and 590 grams of heroin was effected from the said place. During the course of investigation, co-accused Jajvir Singh @ Jagga had died. The petitioner could not be arrested. After completion of necessary investigation and usual formalities, *challan* qua aforesaid co-accused was presented in the Court on 05.05.2020. Subsequently, the petitioner surrendered before the Court concerned on 04.03.2023 and was taken into custody. *Challan* qua the petitioner was presented on 12.10.2023. Now, the petitioner along with the co-accused is facing trial for commission of aforementioned offences. He had moved an application before the trial Court for grant of regular bail but the same had been dismissed, vide order dated 21.07.2023.

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. The petitioner has clean antecedents. Subsequent to his surrendering before the Court, no recovery of any contraband has been effected from him. Despite filing of

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challan/supplementary challan on 05.05.2020/12.10.2023, no prosecution witness has been examined so far. The petitioner is in custody since 04.03.2023 i.e. for a period of last 02 years and 02 month. Conclusion of trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Co-accused Major Singh @ Meju and Gurdev Singh @ Sonu have already been granted benefit of bail, vide order dated 23.12.2021 passed by this Court in **CRM-M-20990-2020** and **CRM-M-26363-2021**, respectively. The case of the petitioner, being nominated on their disclosure statements, is in fact on better footing than that of the above named co-accused. It is, therefore, urged that the petition deserves to be allowed.

4. Status report as well as the custody certificate of the petitioner has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Punjab has argued that the petitioner is not entitled to get benefit of bail as there are serious allegations against him. He along with co-accused was involved in smuggling of heroin from Pakistan. Huge recovery of heroin has been effected in this case. Trial may be expedited. It is, thus, argued that the petition is liable to be dismissed.

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

6. The petitioner has been nominated in this case on the basis of the disclosure made by above named co-accused Gurdev Singh @ Sonu and Major Singh @ Meju, who were apprehended by the police on 21.10.2019 and whose instance, recovery of 07 kgs. 590 grams of heroin was effected. The allegations against the petitioner are that he was also involved with him in smuggling of heroin from Pakistan as his land was near the international

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border. The petitioner had surrendered before the Court on 04.03.2023. *Challan* qua co-accused Gurdev Singh @ Sonu and Major Singh @ Meju was presented on 05.05.2020. Thereafter, supplementary *challan* qua the present petitioner was presented on 12.10.2023. However, a perusal of the status report reveals that no prosecution witness has been examined so far. The petitioner has clean antecedents and is not involved in any other such or similar case. He is in custody for the last over 02 years and 02 months. The conclusion of trial would obviously take time. Co-accused, on whose demarcation recovery of 07 kgs. and 590 grams of heroin was effected, have already been granted concession of regular bail by this Court, as mentioned above. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that no useful purpose would be served by keeping 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.

7. 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.

26.05.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No