

2025:PHHC:103857



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

CRM-M-18568-2025 (O&M)

Reserved on : 06.08.2025

Pronounced on : 12.08.2025

Parkash Singh @ Pasha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Deepak Chauhan, Advocate for
Mr. Ram Niwas Shukla, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of regular bail to the petitioner in FIR No. 181 dated 14.08.2024, registered under Sections 15, 18, 21 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Sadar Jalandhar, District Jalandhar.

2. Brief facts of the case relevant for the disposal of the present petition are that on 14.08.2024, co-accused Manjit Singh @ Mani was apprehended by a police party headed by SI Jaswinder Singh and recovery of 01 kg. 25 grams of heroin was effected from him. He was formally arrested at the spot. Upon interrogation, he disclosed that the recovered contraband was brought by him from Inderjit Singh @ Labhu and Jugraj Singh, who were involved in selling opium, poppy husk and heroin. They were nominated in

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this case as accused. On 16.08.2024, co-accused Jugraj Singh was arrested. His several disclosure statements were recorded. On 21.08.2024, he disclosed that the petitioner, who was working as driver for Inderjit Singh @ Labhu, was also involved in supplying the contraband. On the basis of the same, the petitioner was nominated in this case and was arrested on 04.01.2025. At his instance, 45 kgs. of poppy husk was recovered, which was kept near the embankment of Sutlej river. After completion of necessary investigation and usual formalities, *challan* under Section 173 of Cr.P.C. was presented in the Court and presently, the petitioner along with the 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. He was neither named in the FIR nor was found at the spot. He has been nominated in this case on the basis of the disclosure statement suffered by the above named co-accused, which is not admissible in evidence. After his arrest, a false recovery has been planted upon. The petitioner is not involved in any other case. Even otherwise, investigation stands completed and *challan* has been filed. Conclusion of trial is likely to take time as no prosecution witness has been examined so far. The petitioner is in custody since 04.01.2025. No useful purpose would be served by keeping him in custody anymore. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be released on regular bail.

4. Status report along with the custody certificate of the petitioner has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he

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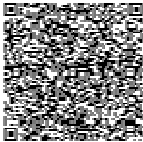


is not entitled to get benefit of bail. It is, thus, argued that the petition is liable to be dismissed.

5. I have heard 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 co-accused Jugraj Singh, who himself was nominated by co-accused Manjit Singh @ Mani. The allegations against the petitioner are that he was working as driver of Inderjit Singh @ Labhu and was also involved in supplying the contraband. Recovery of 45 kgs. of poppy husk is shown to have been effected from him. A perusal of the custody certificate shows that the petitioner is not involved in any other case. However, as per status report, he is involved in seven other cases. The said contradiction was put to learned State counsel subsequently, who has verified the same and has apprised this Court that there is no other case pending against the petitioner, except the present one. The quantity of the contraband recovered at the instance of the petitioner does not fall under commercial quantity. Investigation has since been completed and *challan* has been presented. Conclusion of trial would obviously take time as no prosecution witness has been examined so far. 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

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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.

12.08.2025

Wasim Akbari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No