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

CRM-M-19146-2025 (O&M)

Reserved on : 11.09.2025

Pronounced on : 15.09.2025

Raj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhupinder Ghai, Advocate and
Ms. Sainsha Sethi, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

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. 94 dated 19.06.2024, registered under Sections 21-C, 27-A and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station Chheharta, District Amritsar City.

2. As per the allegations, on 19.06.2024, on receipt of a secret information to the effect that co-accused Jaspal Singh @ Pala and co-accused Gurjan Singh @ Janty were involved in the business of sale of contraband and could be apprehended from the informed place if raid was conducted, a raiding party was immediately formed which reached at the informed place and apprehended the petitioner and the co-accused while they were coming on a

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motorbike make Hero Honda Splendor which was not having any registration number plate. Co-accused Gurjant Singh @ Janty was the driver of the vehicle, whereas co-accused Jaspal Singh was the pillion rider. On conducting personal search, one black colored bag hung around the neck of co-accused Gurjant Singh was found. On checking the same, 01 kg 500 grams of heroin was recovered from the same. The recovered heroin along with the motorbike and other belongings of the co-accused was taken into custody. They were formally arrested. On the basis of disclosure statement of co-accused Gurjant Singh to the effect that he along with the petitioner used to receive consignment of heroin through drone from Billa, resident of Pakistan and after supplying the same at the places as per directions of Billa, used to handover the drug money to the present petitioner and accused Jagannath Singh, the petitioner was nominated as an accused. It was disclosed by Gurjant Singh that on the same day also, the petitioner and Jagannath Singh were coming in Maruti Suzuki car bearing registration number DL-5-CH-3024 to collect drug money.

3. As per the further allegations, the petitioner and co-accused Jagannath Singh were arrested on 19.06.2024. Drug money of Rs. 27.10 lakhs was recovered from their conscious possession. The drug money and the car were taken into possession by the police. They were formally arrested. The accused Jagannath Singh suffered disclosure statement that he along with the petitioner used to collect hawala amount (drug money) of heroin and it was further delivered to accused Kheta Ram. The said Kheta Ram was nominated as an accused and he too was apprehended. A sum of Rs. 55 Lakhs was recovered at his instance. Subsequently, one more accused named Rajeev kumar @ Happy

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was arrested. Investigation now stands concluded and the petitioner along with the co-accused is facing trial for commission of aforementioned offences.

4. It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case on the basis of the disclosure statement of co-accused Gurjant Singh, which cannot be considered to be admissible in evidence. The amount of Rs.27 Lakhs which has been recovered from him and co-accused is not drug money but in fact this amount of money was collected by him and the co-accused on behalf of Kheta Ram who was a seed trader who was involved in the business of seeds, whereas the petitioner was also involved in the business of sale of seeds. They used to collect money on behalf of co-accused Khetaram and receive commission. In fact the petitioner is into the trading business of seeds and pesticides as well as doing job in a private company and also used to work for Kheta Ram on Commission basis. The alleged recovered amount of 27 lakhs also belongs to co-accused Kheta Ram as in routine, the latter used to send petitioner to different parts of the country to collect money of his seeds business. He used to provide travelling charges and give commission to the petitioner on delivery of amount to him. He has clean antecedents. Challan has been presented. Trial will take considerable time as only 02 prosecution witnesses have been examined out of total 33 witnesses. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

5. Status report has been filed. While refuting the contentions as raised by learned counsel for the petitioner, it is argued by the learned State counsel that there are specific and serious allegations against the petitioner. Drug money of Rs.27 lakhs was recovered from him and the co-accused Jagannath Singh.

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The explanation given by the petitioner is not at all believable. The co-accused Jagannath Singh had also suffered a disclosure statement admitting the involvement of petitioner and himself in collection of hawala/Drug money and delivering it to Kheta Ram. Call detail records of the cellphones of the petitioner, co-accused Kheta Ram, Rajeev Kumar have been collected which show that they were having links with each other and used to exchange calls and were involved in drug trafficking and handling drug money. The trial is going on at a proper pace. The recovery is of commercial quantity of heroin. Hence, the rigors of Section 37 of the NDPS Act are attracted. With these broad submissions, it is urged that the petition does not deserve to be allowed.

6. I have heard learned counsel for the parties at considerable length.

7. The petitioner and the co-accused Jagannath Singh were nominated as accused on the basis of disclosure statement of Gurjant Singh. An amount of Rs. 27.10 Lakhs has been recovered from the petitioner and the co-accused, which is alleged to be the drug money. The petitioner has claimed that he was working on commission basis with accused Khetaram to whom the money was to be delivered but there is no material on record to show so. The Call detail records as collected by the investigating agency show that the accused were in constant touch with each others. The allegations against the petitioner are serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.

8. It is made clear that the observations made hereinabove are only for

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the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

15.09.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No