

2025:PHHC:122784



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

234

CRM-M No.21979 of 2025
Date of Decision: 08.09.2025

Jobanjit Singh @ Joba ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
251	06.12.2024	Lopoke, District Amritsar Rural	21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 05.12.2024, on receipt of an information about one small packet suspected to be containing some contraband, found lying in an agriculture land at Village Bachiwind, the company Commander of BSF along with officials of G Cell Unit reached at the suspected area. Police was also informed and reached at joint place. Joint search was carried out and one small packet was recovered from the

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farming field of Village Bachiwind at a distance of about 1500 meters from International boundary. It was containing heroin. The gross weightage of the same was found to be 0.530 kg. Investigation proceedings were initiated. As per the further allegations, during the course of investigation, a secret information was received that heroin recovered from the fields was procured by the petitioner and co-accused Sarabjit Singh @ Saba. They were nominated as such. They were arrested on 06.12.2024. One iPhone was recovered from the custody of the petitioner and on examining the same, it was found that he had been operating his Whatsapp on virtual mobile No. +601175282785 whereas the co-accused Sarabjit Singh was also found operating his Whatsapp on a virtual mobile number. These virtual numbers were saved in their respective cell phones. During further investigation, statement of Gurbhej Singh, Sarpanch of Village Bachiwind was recorded who stated that on 05.12.2024, he had seen the petitioner and co-accused riding on a bike in the village. They were perplexed. He had also overheard them while conversating to each other that the heroin procured by them from Pakistan had been recovered by BSF authorities. He also stated that the petitioner and co-accused had come to Village Bachiwind to pick up the consignment of heroin. The petitioner also suffered a disclosure statement on interrogation on 10.12.2024 disclosing that he along with the co-accused used to procure heroin from Pakistan by sending locations and the same was sold to unknown customers. He also disclosed that the heroin recovered from the spot was ordered from Pakistan but was dropped at wrong location.

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The co-accused also suffered similar disclosure statement. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The recovery of contraband was effected from open fields which did not belong to the petitioner. The petitioner was neither caught at the spot nor any recovery was effected from him. He has been wrongly framed. He has clean antecedents. The trial will take considerable time. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that the petitioner was involved in business of procuring contraband from across the border and to sell the same. The use of virtual mobile phone from his Whatsapp also corroborated this fact. There are serious allegations against him. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, urged that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner along with the co-accused is alleged to be indulged in procuring of contraband from across the border and sale of the same. The allegations against him are quite serious in nature. The trial has commenced and there is nothing on record to show that there would be any undue delay in the same. The Sarpanch of Village Bachiwind who had overheard the conversation between the petitioner and the co-accused is yet

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to be examined. The petitioner was found using virtual phone through Whatsapp for which no explanation has come forward. Keeping in view the nature of the subject offences, the quantum of sentence which the conviction may entail and the attendant facts but without meaning to make any comment on the merits of the case, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

08.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No