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

CRM-M-22893-2025

Date of Decision:05.05.2025

HARWINDER SINGH ALIAS SHINDER ALIAS RAVINDER

...PETITIONER

VS.

STATE OF PUNJAB

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. P.B.S. Goraya, Advocate with
Mr. S. S. Bhullar, Advocate &
Mr. S.P.S. Sandhu, Advocate
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the 4th petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.06 dated 26.03.2018, registered under Sections 21, 25, 27-A & 29 NDPS Act 1985, Police Station 'SSOC', District Amritsar.

2. The FIR in the present case was registered on the basis of the statement made by Harwinder Pal Singh, Inspector and the same has been reproduced below:-

"Head Munshi P.S. State Special Cell Amritsar. Jai Hind. Today I Inspector along with other police officials namely SI Sukhbir Singh 5155/INT, SI Raj Singh 1283/PAP, HC Dilbagh Singh, 9/650, HC Amarbir Singh 2795/INT and CT Prabhdeep Singh 5/312 during



secret operation and in search of drug smugglers and the operators, were patrolling on our government vehicle at Amritsar Jalandhar bypass near Dera Baba Darshan Singh Pulliwala Ghanupur Kale Amritsar City and we were present there. Over there, one more police party of police station State Operation Cell, which was being headed by SI Harbhej Singh 5011/INT ASI Malkit Singh 5/131/ ASI Jagjit Singh 900/SDR, ASI Rajesh Kumar 2826/INT, HC Gurdev Singh 2653/FR and Balkar Singh 3019/INT were patrolling on their government vehicle in search of bad and suspicious elements and they were present over there and met us. Over there, a secret informer came to me and informed that from the Ferozepur side Heroin smugglers Harwinder Singh alias Shinder Singh son of Hardayal Singh caste Rai Sikh resident of Lakhbir Ke Hithad P.S. Mamdot District Ferozepur, Amrik Singh son of Arjan Singh resident of Nagar Wala Jhuge P.S. Mamdod District Ferozepur and Tara Singh son of Amar Singh resident of Jallocke Hitthar P.S. Mamdod District Ferozepur were coming and they were indulging in smuggling huge quantity of heroin and further they used to smuggle heroin in the area of Ferozepur in huge quantity. From them Harwinder Singh alias Shinder Singh son of Hardayal Singh caste Rai Sikh resident of Lakhvir Ke Hatthar P.S. Mamdot and heroin which he had sold and the payment of which he was coming to give to one of its operator Rakesh Seth son of Tarlok Chand Seth resident of C 55 Kashmir Avenue Amritsar. Further Rakesh Seth through its Network used to send this money which is earned from selling heroin to Pakistan. Both Harwinder Singh alias Shinder and Rakesh Seth for giving the heroin and the money are meeting outside Durgiana Mandir and if without any delay and after proper planning, both accused can be apprehended alongwith heroin and drug money. The information being correct and reliable and the same was being brought into the knowledge of Sukhminder Singh Maan IPS/AIG, SSOG/ASR by Inspector and obtained necessary orders and as per



the information received from the secret informer offence under section 21,29,61,85 NDPS Act was found to be committed by accused persons. For registering the FIR, the same was being sent to the police station at the hands of C Prabhdeep Singh 5/312 PS SSOC/ASR and further Baldev Singh PPS/DSP/ SSOC/ASR was further requested to reach at the spot and Inspector and other police officials have also left for the spot. After registering the FIR, the number may be intimated and after preparing the special reports, the same may be sent to the senior police officers and control room may be intimated through telephone at area Ghanupur Kale Amritsar at 5.50 PM Sd/- Inspector Harwinder Pal Singh No. 387 P.S. State Special Operation Cell, Amritsar Dated 26.03.2018.”

3. Learned counsel for the petitioner contends that the version of the prosecution in the present case was highly unbelievable. The petitioner was allegedly apprehended at the place of recovery with 350 grams of heroine and drug money of Rs.16,90,000/-. He further contends that the petitioner was arrested in the present case on 31.03.2018 and is in custody for the last about 07 years. All the material witnesses have been examined and his further custody will not serve any useful purpose. He further relies upon the orders Annexures P-4 to P-6, whereby, Rakesh Seth, Tara Singh @ Avtar Singh and Amrik Singh, co-accused have been granted the concession of regular bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner. He further submits that two more cases have been ordered to be registered against the petitioner and he does not deserve the concession of bail by this Court.



5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner is admittedly in custody for the last more than 07 years and 01 month. Moreover, similarly placed co-accused Rakesh Seth, Tara Singh @ Avtar Singh and Amrik Singh have already been granted the concession of regular bail by this Court vide Annexures P-3 to P-5. Thus, the further custody of the petitioner will not serve any useful purpose.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

05.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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