



CRM-M-24211-2025

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

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Decided on:06.08.2025

Amritpal Singh @ Sandy**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

Present: Mr. Gurmeet Singh Saini, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), seeking regular bail in case FIR No.126, dated 31.07.2024, under Section 21-C of NDPS, 1985 (Sections 27-A, 29 of NDPS Act were added lateron), registered at Police Station Chhehrata, District Amritsar.

2. As per case of the prosecution, on 31.07.2024, based on secret information, main/co-accused, namely Gurmej Singh, was intercepted by the Crime Patrolling Team and from his possession, 3.534 kgs of heroin were recovered and it is alleged that he had connections with smugglers in Pakistan. After the arrest of Gurmej Singh, a disclosure statement was recorded. According to this statement, few days prior, 2 kgs of heroin had been delivered by him to present petitioner, namely Amritpal Singh @ Sandy. However, when the petitioner was arrested, nothing was recovered from his possession.

Mr. Gurmeet Singh Saini, Advocate for the petitioner, argues that there is no substantive evidence against the petitioner in the present

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case, as neither any contraband was recovered from his possession; nor is there any connecting evidence establishing his direct involvement.

Learned counsel for the petitioner submits that petitioner is already accused in five other cases, including three cases under the NDPS Act. Therefore, being known as accused to the police, he has been implicated in the present case despite the absence of evidence establishing his involvement. Counsel further submits that petitioner is in custody since 04.08.2024, i.e., for the past one year.

Counsel contends that prolonged incarceration of the petitioner would not serve any purpose for the prosecution, especially since the recording of statements of 22 prosecution witnesses has yet to commence, and charges are still to be framed.

3. On the other hand, learned State counsel has filed the custody certificate of the petitioner, confirming that he is in custody for the period of last one year. Learned state counsel further submits that petitioner is involved in five other cases, three of which are under the provisions of NDPS Act. Therefore, counsel argues that since petitioner is already involved in similar cases, he does not deserve the concession of bail and prays for the dismissal of the bail application.

4. Having heard learned counsel for both parties and perused the record, this Court finds that petitioner is in custody for the period of last one year, the recording of statements of 22 prosecution witnesses has yet to commence, and charges are still to be framed. In view of the slow pace of the trial, coupled with the fact that the personal liberty of the

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petitioner cannot be curtailed indefinitely, this Court finds merit in the petitioner's prayer.

Consequently, the prayer made in the present petition is allowed. Petitioner is ordered to be released on regular bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate concerned, if not required in any other case.

5. Any of the discussion done and recorded hereabove, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible in accordance with law.

6. It is further made clear that if, in future, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.

7. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 06, 2025
rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**