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

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CRM-M-24822-2025 (O&M)
Date of decision : 27.05.2025

Jaspreet Singh @ Kali**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

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

Mr. Raghav Garg, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner for grant of regular bail in case arising out of FIR No. 28 dated 01.09.2023, registered under Sections 21, 25, 27-A, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station State Special Operation Cell, Police District Intelligence Wing (CID), District Amritsar. The first petition, bearing CRM-M-20685-2024, was dismissed by this Court on 31.07.2024.

2. The petitioner has been arraigned as an accused in this case on the basis of the disclosure suffered by the aforesaid said co-accused Gurbinder Singh @ Bhind, Narinder Singh and Ranjodh Singh @ Jodha, who were apprehended by the police party on 01.09.2023 and from whose possession, recovery of 15 kgs. of heroin was effected. The petitioner was arrested on 05.09.2023 in the present case on the basis of production warrant

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as he was already in jail in connection with some other case. 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 co-accused is facing trial for commission of aforesaid mentioned offences.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He has been nominated in this case on the basis of the disclosure statements suffered by the above named co-accused, which is not admissible in evidence. No subsequent recovery of any contraband was effected from him. Even otherwise, investigation has since been completed and *challan* has been filed. The trial is substantially delayed as no prosecution witness has been examined so far, despite the fact that *challan* was presented on 27.02.2024. Although, the petitioner has falsely been involved in three more cases of similar nature but out of those cases, he has been acquitted in one case and he is on bail in another case. Co-accused Rajwinder Kaur, against whom there were allegations that she along with co-accused was present in the car from which recovery of drug money of Rs. 7 Lakhs was effected, has already been granted concession of regular bail by this Court, vide order dated 08.04.2025 passed in **CRM-M-65334-2024**. Apart from her, co-accused Kuldeep Singh, whose case is on the similar footing with the present petitioner as he was also in custody when the present FIR was registered, has also been granted concession of regular bail by the coordinate Bench of this Court, vide order dated 18.03.2024 passed in **CRM-M-1183-2024**. On the grounds of parity, the petitioner too deserves the same benefit. These facts amount to

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substantial change in circumstances entitling the petitioner to file a second bail petition seeking grant of bail. Hence, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Punjab, while reiterating the arguments as advance in the first petition, has opposed the prayer of the petitioner on the ground that there are serious allegations against the petitioner as he was involved in smuggling of heroin with the co-accused.

5. I have heard learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner is alleged to have been taken into custody on 05.09.2023 by way of production warrant as he was already in custody in connection with some other case. The allegations against the petitioner are that he was actively involved in smuggling of the contraband with other co-accused while confined in jail. Admittedly, no subsequent recovery has been effected from the petitioner. A perusal of the status report reveals that *challan* qua the petitioner and other co-accused was presented on 27.02.2024. However, no prosecution witness has been examined so far. Subsequently, supplementary *challan* qua co-accused Paramjit Kaur has been presented only on 05.05.2025 and the case is pending for framing of charges qua Paramjit Kaur and Kuldeep Singh. It goes to show that conclusion of trial is likely to take time. More so, co-accused Rajwinder Kaur, who was apprehended at the spot, has been granted concession of regular bail by this Court. Even co-accused Kuldeep Singh, who was nominated in this while in custody in connection with some other case, has

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also been granted concession of regular bail by this Court, as mentioned above. In the given facts and circumstances, pendency of some other cases against the petitioner is not a ground to deny him the benefit of bail. Keeping in view the aforesaid facts, which amount to substantial change in 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 her 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 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.

27.05.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned**Yes/No**Whether reportable**Yes/No*