

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:120140



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CRM-M-27134-2025 (O&M)
Date of decision:05.09.2025

Kuljinder Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No.86 dated 21.07.2024, registered under Section 21(c) of the NDPS Act (offences under Section 29 of the NDPS Act and Sections 25 of the Arms Act were added subsequently) at Police Station Sultanwind, District Amritsar.

2. As per the allegations, on 21.07.2024, on the basis of a secret information to the effect that accused Gurpreet Singh @ Gopi was involved in sale of narcotics and was going to deliver the same to some customer at a specified place and that he could be apprehended with large quantity of heroin, information was immediately sent to the police station for registration of a case. A raiding party headed by ASI Manjinder Singh was

formed which reached at the informed place and apprehended the accused Gurpreet Singh @ Gopi, from whom 500 grams of heroin was recovered, which was taken into custody by the police. During interrogation, accused Gurpreet Singh @ Gopi suffered a disclosure statement showing that he along with the petitioner was involved in sale of heroin. On the basis of this statement, the petitioner was nominated as an accused and was arrested on 22.07.2024. Recovery of one .32 bore pistol, two live cartridges and mobile phone was effected from him. He subsequently got recovered one black Glock make pistol of 9 mm along with two magazines and three live 9 mm rounds which too were taken into custody. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Gurpreet Singh @ Gopi, which cannot be considered to be admissible in evidence. No contraband has been recovered from his conscious possession. False recovery of pistols and cartridges etc. has been planted upon him. The trial will take considerable time to conclude since no witness has been examined so far. He does not have any criminal antecedents. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that the petitioner was in business of sale of heroin along with the co-accused Gurpreet Singh @ Gopi and commercial quantity of contraband was recovered from the later and it was provided to him by the petitioner. The trial may be expedited. It is, therefore, urged that the petition does not

deserve to be allowed.

6. I have heard rival submissions made by learned counsel for the parties.

7. The petitioner along with the co-accused is alleged to be involved in sale of contraband. He was apprehended on 22.07.2024. No contraband had been recovered from him. However, recovery against him is alleged to be of pistols, live cartridges and rounds etc. The rigors of Section 37 of the NDPS Act are not attracted qua him. He has no criminal antecedents. The trial is likely to take time. As such, this Court is of the opinion that no fruitful purpose would be served by detaining the petitioner anymore in custody. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate/CJM concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

05.09.2025

harjeet

(MANISHA BATRA)
JUDGE

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