



CRM-M-31859-2024

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**112+233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(1) CRM-M-31859-2024

Roshan Singh @ Roshi

..... Petitioner

Versus

State of Punjab

.....Respondent

(2) CRM-M-54197-2025

Gurjit Singh @ Gopi

..... Petitioner

Versus

State of Punjab

.....Respondent

Date of Decision: 04.11.2025**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr.Rishu Mahajan, Advocate for the petitioner
in CRM-M-31859-2024.
Mr. Jashandeep Singh Sandhu, Advocate, for the petitioner
in CRM-M-54197-2025.
Mr. J.S. Arora, DAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. This order will dispose of above-mentioned two petitions, as both have arisen out of a common FIR.
2. Petitioners have approached this Court by way of present petitions praying for granting them regular bail in case FIR No.38 dated 24.02.2024, under Section 21 of NDPS Act, 1985 (Section 29 of NDPS Act added lateron), registered at Police Station Gharinda, District Amritsar Rural.
3. Succinctly, facts of the case are that the police party while on patrolling on 24.02.2024, received a secret information from BSF party to the effect that Roshan Singh @ Roshi (petitioner in CRM-M-31859-2024) is



involved in selling heroin and he is waiting for his customers alongwith his consignment. It was informed that in case of raid, he could be arrested alongwith the contraband. On receiving the secret information, a raiding team was constituted and reached at the place disclosed. A motorcycle was found parked, where a clean shaven person was present, who on seeing the police tried to escape. However, his motorcycle slipped and he fell down from the motorcycle. He tried to throw a polythene bag, but he was apprehended by the police. On asking, he disclosed his name to be Roshan Singh @ Rishi. He was suspected to be carrying some contraband and thus, his search was conducted and 500 grams of heroin was recovered from him. He failed to produce any licence regarding possession of the same and thus, on the registration of the FIR, he was arrested on the spot. During the investigation, he made a disclosure statement about the complicity of Gurjit Singh @ Gopi (petitioner in CRM-M-54197-2025), thus, vide DDR No.39, dated 26.02.2024, he was arrayed as an accused and resultantly, he was arrested on 26.02.2024. On conducting search of the house of Gurjit Singh @ Gopi, 500 grams of heroin was recovered and thus, a total recovery of 01 kg heroin was effected from both the accused. Samples taken were sent to the FSL. On receipt of the report of the FSL, challan was presented. The petitioners approached the Court of learned Judge, Special Court, Amritsar praying for grant of regular bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail applications filed by the petitioners vide order dated 13.06.2024/08.08.2024. Hence, the petitioners have approached this Court by way of filing the present petitions.

4. It has been vehemently contended by learned counsel for the



petitioners that the petitioners have been falsely implicated in the present case. It is submitted that FIR in the present case was registered on the basis of secret information, however, there is a violation of Section 42 of the NDPS Act. It is submitted that the alleged recovery was effected in a public place, however, no independent witness has been joined. He further submits that there is violation of Section 50 of the NDPS Act as well.

Learned counsel for petitioner- Gurjit Singh @ Gopi has submitted that the petitioner has been implicated in the present case on the basis of disclosure statement of the co-accused, which in itself not an admissible evidence. He submits that the alleged recovery has been planted upon the petitioner.

Learned counsel for petitioner Roshan Singh @ Roshi has submitted that though the petitioner is involved in seven other cases, however, in six cases, he has been acquitted and sentence in one case has been suspended.

Learned counsel for the petitioners have submitted that the petitioners are behind the bars since 24.02.2024 and 26.02.2024, however, there is no material progress in the trial and thus, their right of speedy trial has been miserably defeated. They, thus, submit that in the facts and circumstances of the case, the petitioners deserve to be granted regular bail.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioners. He submits that petitioner Roshan Singh @ Roshi has been specifically named in the secret information. He submits that on due compliance of provisions of NDPS Act, recovery of 01 Kg heroin was effected from both the petitioner, which is a



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commercial quantity and thus, provisions of Section 37 of the NDPS Act are attracted. He submits that petitioner Gurjit Singh @ Gopi is a habitual offender, who is involved in seven other cases. On instructions, he has submitted that till date only challan is presented. He has placed on record the custody certificates of the petitioners.

6. On hearing counsel for the parties and perusing the record, petitioner Roshan Singh @ Roshi was arrested on 24.02.2024 and on his disclosure statement Gurjit Singh @ Gopi was nominated in the FIR. As submitted before this Court, only challan is presented till date. Custody certificate of petitioner Gurjit Singh @ Gopi would show that he has suffered incarceration of 01 year, 08 months & 05 days as on 03.11.2025 and he has no criminal antecedents. Custody certificate of petitioner- Roshan Singh @ Roshi would show that he has suffered incarceration of 01 year, 08 months & 05 days as on 03.11.2025 and he is involved in six other cases, out of which in four cases he has been acquitted.

7. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioners succeed in making out a case for grant of regular bail to the petitioners.

8. Accordingly, the present petitions are allowed and the petitioners are ordered to be released on bail on their furnishing bail/surety

bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

9. It is being clarified that in case petitioner- Roshan Singh @ Roshni does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

10. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

04.11.2025		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No