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

CRM-M-31377-2025

Date of Decision:21.08.2025

Narinder Singh

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. R.K.Bajaj, Advocate and
Mr. Kamal Kishore, Advocate and
Ms. Meenakshi Thakur, Advocate (Amicus Curiae),
for the petitioner.

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

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail to him in case FIR No.61 dated 12.06.2023 registered under Sections 21(b), 27(a), 29 of NDPS Act, (later on Sections 25/54/59 Arms Act added), at Police Station Sadar Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner was not initially nominated as an accused in the FIR and has been arrayed as an accused only on the basis of the disclosure statement suffered by his co-accused. Even in the present case, only 15 grams of heroin was recovered from the main accused, which is small quantity, as per Schedule appended to the NDPS Act. Learned counsel has placed reliance on the orders (Annexures P-5

to P-9) to contend that the co-accused, namely, Shamsher Singh alias Shera, Rahul, Nikhil Kumar, Daljit Singh and Gurpreet Singh @ Sajan have been admitted to bail by this Court. Even otherwise, as per the case of the prosecution, the petitioner had only provided the phone to Yog Raj, co-accused, who was telephonically in touch with smugglers in Pakistan. He further submits that even the prosecution has not alleged that the petitioner was in touch with anyone, residing in Pakistan. The petitioner was arrested in the present case on 08.07.2024 and is in custody for the last more than 01 year and 01 month. Learned counsel further submits that the prosecution has relied upon 28 witnesses, but no witness has been examined so far.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is involved in one more case under the provisions of NDPS Act. However, the petitioner is on bail in the said case.

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

5. It is not in dispute that in the present case, the co-accused, namely, Shamsher Singh alias Shera, Rahul, Nikhil Kumar, Daljit Singh and Gurpreet Singh @ Sajan have been admitted to bail by this Court vide orders (Annexures P-5 to P-9). Even the petitioner was arrested on 08.07.2024 and no recovery was effected from him. Further, the prosecution has not examined even a single witness so far and there are no chances of early conclusion of the trial.

6. 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.

7. In the end, this Court appreciates the assistance rendered by Ms. Meenakshi Thakur, Advocate, who was appointed as amicus, by this Court.

21.08.2025
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(N.S.SHEKHAWAT)
JUDGE

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