



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

CRM-M-30231-2025

Date of Decision:03.07.2025

Rajan alias Raja alias Goli

...Petitioner

vs.

State of Punjab

...Respondent

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

Present : Mr. Harmanpreet Singh, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, 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 in case FIR No.72 dated 24.12.2024 registered under Sections 61(2) of BNS and under Section 25 of Arms Act, and Sections 21, 25, 29 of NDPS Act (added later on), at Police Station State Special Operations Cell Amritsar, District Intelligence Wing (CID).

2. Learned counsel for the petitioner contends that as per the case of the prosecution, the police had received a secret information that Gurjit Singh, Rajwinder Singh @ Raja and Manjit Singh alias Dhuri were regularly in-touch with Pakistani smugglers and were indulging in cross-border smuggling of heroin and weapons. On getting the information, Manjit Singh @ Dhuri was apprehended on 24.12.2024 and 9 mm pistol along with a magazine were recovered from him. In addition to that, four live cartridges were also recovered. Gurjit Singh, another co-accused was arrested in the present case

and another pistol of .30 bore was also recovered from him along with 10 live cartridges. In pursuance of disclosure statement suffered by co-accused Gurjit Singh, 516 grams of heroin was also recovered on 30.12.2024. Learned counsel further submits that the petitioner was neither named in the secret information nor any allegation was levelled against him in the FIR. The petitioner was arrested in the present case on the basis of the alleged disclosure statement suffered by Gurjit Singh, co-accused and except the said statement, there is no other legally admissible evidence against him. The petitioner was arrested in the present case on 04.02.2025 and challan has already been presented against him. He further contends that in the present case, no recovery was effected from the petitioner and even during the investigation, no other evidence could be found against him. Now, the petitioner is in custody for the last more than 05 months and is not in a position to influence the witnesses of the prosecution.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and he does not deserve the concession of bail by this Court.

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

5. From a perusal of the record, it is clear that no recovery was effected from the petitioner. Moreover, the petitioner was never involved in any other criminal case in the past also. The petitioner is stated to be in custody for the last more than 05 months and the trial is not likely to conclude in near future.

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, subject to the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.*
- (ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*
- (iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*
- (iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*
- (v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*
- (vi) In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*
- (vii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

03.07.2025

hemlata

(N.S.SHEKHAWAT)
JUDGE

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